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MUNICIPAL ELECTIONS

AND

HOW TO FIGHT THEM.

BY

J. SEYMOUR LLOYD.

OF THE MIDDLE TEMPLE, BARRISTER-AT-LAW.

London:
VACHER & SONS

Price - - - - 1s. 6d. net.

BY THE SAME AUTHOR.

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MUNICIPAL ELECTIONS

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HOW TO FIGHT THEM.

BY

J. SEYMOUR LLOYD,

Of the Middle Temple, Barrister-at-Law,

(Author of "ELECTIONS AND HOW TO FIGHT THEM").

A PRACTICAL HANDBOOK for Candidates and Workers at Elections for

County Councils,
Town Councils,
Urban District Councils,
Boards of Guardians,
Rural District Councils,
Parish Councils, and
Metropolitan Borough Councils.

1906.

London:
VACHER & SONS.

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PREFACE.

There are in England and Wales alone about 10,000 Councils elected to manage local affairs. When it is remembered that our annual expenditure for Local Government purposes now exceeds that of the National Exchequer, the importance of Local Government can hardly be gainsaid. The powers entrusted to local bodies are extensive and increasing. Their duties are onerous, and upon the faithful performance of them the health and happiness of the whole population to no small extent depends.

The choice of Councillors involves a large number of elections, many of which are keenly contested. In the following pages an attempt is made to smooth the path for candidates by dealing in a simple way, first with the practical work of municipal elections, and secondly, with the restrictions placed by Parliament on the procedure of those who fight them. If it thus succeeds in assisting persons who interest themselves in the problem, of local administration, this little book will have achieved its aim.

J. SEYMOUR LLOYD.

4, Brick Court, Temple.

September, 1906.

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MUNICIPAL ELECTIONS

AND

HOW TO FIGHT THEM.

ELECTED LOCAL COUNCILS.

SYNOPSIS.

Attitude towards Local Government.

Ladder of Local Government.

Parish Council.—Election of Parish Councillors.—Powers and Duties.

Rural District Council.—Powers and Duties.—Election of Councillors.—Councillors also Guardians.

County Council.—Committee Work.—Powers and Duties.—Elections.

Urban District Councils.—Elections.

Municipal Boroughs.—Town Council.—Boroughs of Different Degrees.

Boards of Guardians.

London Government.—What is London.—Administrative County.—Growth of London Government.—Duality.

London County Council.—Powers and Duties.—Constitution.

Metropolitan Borough Councils.—Vestrydom.—London Government Act, 1899.—Powers and Duties.—Elections.

City of London Common Council.

London Boards of Guardians.

There was a time, even now not remotely distant, when it was the fashion to hold in contempt the work of municipal bodies, as savouring chiefly of drains and dustbins. That day has passed, and the manifold duties carried out by the various local councils offer scope to the activities of all those who interest themselves in the public affairs of the district where they reside, and the election of representatives for local government purposes becomes every day of greater importance. The ladder of local government, indeed, is a tolerably long one. It stretches from the parish or town to the district, rural or urban as the case may be, and thence to the county. A sketch in broadest outline of the duties laid upon councillors must here suffice to indicate the various opportunities that present themselves to true-born Britons to fight the electoral battles of their country—let us hope for their country's good.

THE PARISH COUNCIL.

Taking a rural view of things to begin with, we have first the Parish Council, to which every rural parish having a population exceeding 300 is entitled. Smaller parishes may be combined by order of their County Council to form a Parish Council, or they can demand a Council of their own, but usually they content themselves with a Parish Meeting, which must assemble at least twice a year, when every elector has the privilege of representing himself. Big parishes also have their Parish Meeting on or about the 25th March of each year, and once in three years parish councillors to the number of from five to fifteen

according to the size of the parish, are elected by the vote of the meeting unless a poll is demanded, when a formal election under the Ballot Act takes place, and candidates enjoy an electioneering campaign literally devoted to parochial politics. In practice the election is usually carried out by show of hands at the Parish Meeting, and the chief ordeal which candidates have to face is the opportunity which the Chairman of the meeting is compelled to give for questions to be put to them by parochial electors then present. With truly paternal solicitude the Local Government Board not only issues detailed Election Orders, but on the occasion of the triennial election communicates to the Chairmen and the Clerks of Councils a memorandum of the chief formalities to be observed. Whether a poll is taken or not, each candidate for a Parish Council must be nominated in writing according to the form required by law.

The duties and rights devolving upon a parish council are not inconsiderable. They include the management of parochial property, the appointment of overseers of the poor, the care of parish footpaths, and the right of making representations to the Rural District Council upon sanitary matters within the parish, with an appeal to the County Council in case of neglect.

Even where there is a Parish Council, certain powers are reserved to the electors assembled at a Parish Meeting. The Council, for instance must not embark upon schemes involving a rate exceeding 3d. in the pound, or involving a loan without the consent of the Parish Meeting, which also must decide upon any proposal to put into force what

are known as the Adoptive Acts, namely the Lighting and Watching Acts, Baths and Washhouses Acts, Burial Acts, Public Improvements Act, and the Public Libraries Acts. The number of Parish Councils in England and Wales is over 7,000, and, while the legislation of 1894 which brought them into existence, has not achieved all that its promoters expected in the direction of arousing local interest in rural parochial affairs there is plenty of scope for sound public work to be done by members of the Councils.

At the next rung of the ladder we find

THE RURAL DISTRICT COUNCIL.

It possesses large administrative powers over a number of rural parishes grouped together. The Council is the Sanitary Authority for its district, controlling and maintaining the sewerage and draining systems, and exercising other important duties under the Public Health Acts. The sanitation of rural England is in fact in the hands of these Councils, who are also charged with the care of all the roads in their district, other than main roads, which are under the jurisdiction of the County Council, although arrangements can be entered into between the two authorities whereby the Rural District Council undertakes the charge also of main roads, being recouped for expenditure thus incurred.

There are about 660 Rural District Councils in England and Wales, the number of Councillors varying according to the size and population of the area controlled. Election confers office for three years, one-third of the

members usually retiring in April of each year, but by order of the County Council all members may retire simultaneously every third year. The chairman of the Council is *ex officio* a magistrate for the county during his tenure of the chair.

The elections are by ballot, and candidates must be nominated, in writing, by two parochial electors of the parish.

An important provision is that membership of a Rural District Council involves also acting as the representative of the parish for which he is elected on the Board of Guardians. That body is entirely separate from the Rural District Council, but in rural areas it is composed of persons who are also District Councillors. Obviously, then, there is plenty of occupation for the person elected, if he or she is prepared to carry out the work faithfully.

THE COUNTY COUNCIL

is the highest authority, and exercises its very extensive powers of control subject only to the general supervisory power of the Local Government Board and other central departments which are concerned with certain details of local administration. The opportunities for the public activities of women do not at present extend to the county governing bodies, but with this exception, the County Councils offer the chance of government by the people for the people upon the broadest lines. It is characteristic of local administration in this country that the bulk of the work done is accomplished by means

of committees. Perhaps the system is carried even too far, but in the case of County Councils having jurisdiction over a very large area, some such division of the many duties is a practical necessity, as the range of activity is too wide for an ordinary member to master all its details without a greater sacrifice of time and energy than he can properly be expected to make for public purposes. A mere glance at the duties which fall upon the Council of a County makes this tolerably clear. The Council manages county property, and makes bye-laws for the good rule and government of the county. It is responsible for the maintenance of all main roads and County bridges. In addition to administering, by a special committee, the Elementary Education Acts, it has extensive duties with regard to higher education and the provision of industrial schools and reformatories. In conjunction with a committee of the County Justices, the Council manages the county police force. It administers many Acts of Parliament, notably those relating to Weights and Measures, the Sale of Foods and Drugs, Diseases of Animals. It has duties of its own under the Public Health Acts, and it must also see that the District Councils do not neglect their sanitary obligations, and it may itself step in and do the work neglected by a defaulting Council.

County Council elections take place once in three years, when all elected members retire simultaneously. In addition to the popularly-elected councillors, whose number varies according to the size of the county, there are on each Council, aldermen to the number of one-third of the councillors, by whom they are elected for a period

of six years. The proportion of contested County Council elections showed a markedly decreasing tendency, except in London, until the provisions of the Education Act of 1902 stimulated controversy, resulting in a considerable increase of contests which, in some districts, bear comparison with the public interest and excitement produced by a Parliamentary election.

Descending once more to smaller areas, in order to turn to urban or town districts for a moment, we have in places too populous to be ruled by a Parish Council,

THE URBAN DISTRICT COUNCIL,

corresponding to the Rural District Council, but with wider powers of town government, as befits the representative body in a growing centre of population.

Urban District Councillors hold office for three years, one-third usually retiring each year, although in some cases all the members retire triennially. Women are eligible. Membership of an Urban Council does not carry with it the duties of a Guardian of the Poor, as it does in Rural Councils, a separate election taking place for the Board of Guardians in urban areas.

MUNICIPAL BOROUGHS.

From an early date in our history large rights of self-government were bestowed by Royal Charter upon the chief towns, and while the increase of wealth and population has resulted in adding very greatly to the number of towns possessing the privileges of incorporation, accompanying vicissitudes have in other cases adversely

affected many ancient boroughs, whose importance has been diminished, but who, nevertheless, still retain their municipal rights. Boroughs are governed by a Town Council, consisting of the Mayor, Aldermen and Councillors. A woman cannot be a Town Councillor, but if she possesses the necessary qualifications she is entitled to a burgess vote, unless by marriage she has forfeited her voice in the management of the town.

A Town Councillor holds office for three years, one third retiring in November of each year, so that elections are annual, and in most towns some, at least, of the vacant seats are contested every November, frequently upon political party lines. The Mayor and Aldermen are elected by the Council, the former holding his dignity for one year, the latter for six years.

Municipal boroughs differ enormously in point of population, and they differ also, and to some extent in a corresponding degree, as to the privileges of self-government. In the present day a Charter of Incorporation would not be granted to a town with less than 10,000 inhabitants, but for the reasons already referred to there are many boroughs whose population is below that total. Such boroughs are not allowed to maintain a separate body of constabulary, but are policed by the County force. Some boroughs have their own bench of magistrates, whose jurisdiction is purely municipal; others have to submit to the municipal indignity of seeing justice administered within their borders by magistrates of the County. At the other end of the line we have huge cities with populations running into hundreds of thousands, and entitled, as are

boroughs with more than 50,000 inhabitants, to the powers and privileges of "County boroughs," rendering them independent to a great extent of the jurisdiction of the County Council within whose area they would otherwise be. Such would be boroughs constituted Counties in themselves under the Local Government Act, 1888, or boroughs which by historic right had earlier attained the organisation of County government.

Last upon the general list of elected local bodies come

BOARDS OF GUARDIANS,

to administer the Poor Laws. They are separately elected in all Unions save rural districts, where, as has been mentioned, the duties of the Board of Guardians are carried out by the persons elected to the Rural District Council. In urban districts, in boroughs and cities, a separate election takes place for the Board of Guardians. Members hold office for three years from election, one third generally retiring each year, but in the metropolis, Guardians retire simultaneously once in three years.

Besides the care of the poor, Boards of Guardians are charged with the administration of the Vaccination Acts, the appointment of registrars of births, marriages, and deaths, and with some other minor duties.

Parishes are grouped together into Poor Law Unions, each with its Board of Guardians representative of the constituent parishes. By its assessment committee, the Board apportions the burden of the Poor Rate, upon the basis of which most other rates also are collected, amongst

the different parishes in the Union, the overseers in each parish having the duty of collection.

LONDON GOVERNMENT.

The metropolis requires a word apart, and oddly enough it is necessary to begin by defining what is meant by "London," because "London" may mean half a dozen different things. If, adopting the advice of the music halls, we "ask a policeman," we find the London he is concerned with, the area, that is, which comes under the jurisdiction of the Commissioners of Metropolitan Police, quite different in extent from the Postman's London. The district ruled by the Metropolitan Water Board, sometimes christened "Water London," does not coincide with either. And so we might go on. But for elective local government purposes, the metropolis happily possesses clearly defined boundaries, and for present purposes we need concern ourselves merely with the Administrative County of London, an area of 118 square miles, under the jurisdiction of the London County Council as the central authority. London government has always developed upon the lines that there must be some authority representative of the many different districts charged with the duties which are of common interest to all. It began with drainage. The Commissioners of Sewers, who had extensive powers of sanitary administration throughout the Capital, were themselves merely the forerunners of the Metropolitan Board of Works, set up as a central authority with enlarged jurisdiction, in 1855. The Royal Commissioners,

appointed by the Liberal Government under Lord Aberdeen in 1853, were emphatic in the statement of their views as to the essentials of a scheme of metropolitan government.

"London," they said, "taken in its full extent, is (as it has with literal truth been called) a province covered with houses. Its diameter from north to south and from east to west is so great that the persons living at its furthest extremities have few interests in common. Its area is so large that each inhabitant is in general only acquainted with his own quarter, and has no intimate knowledge of other parts of the town. Hence the two first conditions for municipal government (1) minute knowledge and (2) community of interests, would be wanting if the whole of London were by an extension of the present boundaries of the City placed under a single municipal corporation."

Those plain words were written over half a century ago, when London's population was just over 2¼ millions. To-day the area is enlarged, and the population has doubled, so that it would seem more than ever essential to preserve the duality of London Government. That duality has been perfected and strengthened in recent years.

THE LONDON COUNTY COUNCIL.

When by the Local Government Act of 1888, local administration throughout England and Wales was put upon the basis of electoral representation, the metropolis became an Administrative County, and the London County Council was brought into existence. The powers

and duties entrusted to the Council are manifold and onerous. Main drainage is under its care. It has large powers under the London Building Acts with reference to all metropolitan buildings; it has the responsibility of initiating and carrying through great schemes of street improvements; it has shown considerable activity in administering the Housing of the Working Classes Acts; it maintains numerous parks and open spaces; it runs trams and river steamboats, and tried to run omnibuses; it controls the Fire Brigade, and some of its members would like also to control the police of the metropolis; it runs a works department where certain undertakings are carried on by direct labour; it maintains Lunatic Asylums; it has a Public Health department with original powers of inspection of common lodging houses, cow sheds, slaughter houses, and other undertakings which require public control, and the department also supervises the sanitary administration of the Metropolitan Borough Councils. It has done a great deal of excellent work for technical education in London, and it is now the authority for elementary and higher education in the metropolis. It complains of overwork, but constantly asks Parliament for more, and delegates its labours to upwards of thirty committees, who hold some 500 meetings per annum, and make energetic—and sometimes expensive—recommendations at the weekly meetings of the whole Council. Energy, indeed, is characteristic of London's County Council, and membership involves plenty of hard work if the duties are properly carried out. It has 118 elected Representatives, who sit for three years, and

nineteen Aldermen, chosen by the Council, who sit for six. Each Parliamentary division in the metropolis returns two members to the L.C.C., with the exception of the City, which returns four. The franchise is wider in London than for provincial County Councils, as the lodger voter has a voice in London elections, a privilege he is at present denied in other localities.

METROPOLITAN BOROUGH COUNCILS.

Up to November, 1900, the local municipal needs of London were in the hands of vestrymen—a strange survival of the ancient ecclesiastical connection with local government. Metropolitan vestries did the work tolerably well, but they were uninspiring bodies, and the average Londoner's knowledge of local affairs was confined to a hazy and distinctly unpleasant sensation that the vestries spent a good deal of money, and that the rate collector's visits were unduly frequent and disagreeably insistent. In the provinces, citizens and burgesses took a pride in membership of local governing bodies, but municipal patriotism was unknown to the Londoner. In 1899 was passed the London Government Act, the object of which was to assimilate the administration of metropolitan districts to that obtaining in the Corporations which elsewhere had been so successful in sustaining public interest in local affairs. London was divided into twenty-eight Metropolitan Boroughs, each having its own Council, with its own Mayor, Aldermen, and Councillors, the latter elected triennially. Having regard to a concurrent jurisdiction of the London County Council, the Metro-

politan Borough Councils have not all the powers of self-government enjoyed by the Councils of provincial towns. But their powers are considerable, and while there is still scope for much development of local interest in local affairs in London, there has certainly been an improvement in this respect. The Borough Councils carry out the Public Health Acts; they suppress insanitary nuisances, and inspect the foods and drugs sold within their district. They maintain the roads and collect the rates; they expend something like fourteen millions per annum, about nine and a half millions of which is gathered in on behalf of other authorities. They cleanse the streets and light them, sometimes with electricity, which they generate themselves. They collect and deal with the house refuse, and they have been called the "housemaids of London."

Elections are triennial, and the Councillors, of whom no Borough boasts a higher number than sixty, but most possess less, all retire simultaneously, so that the metropolis, unlike the provinces, does not undergo annual contests in the different wards. The Mayor and Aldermen, as elsewhere, are chosen by the Council, the Mayor holding office for one year, the Aldermen for six.

COMMON COUNCIL OF THE CITY.

Alone among Corporations, the City of London retains its ancient form of government, the popular representative body being the Common Council, whose members are elected annually.

LONDON BOARDS OF GUARDIANS.

Londoners have also thirty-one Boards of Guardians open to their ambitions in the way of fighting elections, but judging from the small proportion of voters who take the trouble to go to the poll when Guardians' elections are in progress, public interest in the administration of the Poor Laws in London is still lamentably small.

WHO MAY BE ELECTED.

SYNOPSIS.

Parish Councils.—Qualification.—Who are Parochial Electors.—Qualification by Residence.—What is "Residence"?—An elastic qualification.
Rural District Councils.
Urban District Councils.
Guardians.
County Councils.—Women and County Councils.
Town Councils.
London Borough Councils.

PARISH COUNCILS.

"The Parish Council for a rural parish shall be elected from among the parochial electors of that parish, or persons who have during the whole of the twelve months preceding the election resided in the parish, or within three miles thereof. . . . "

No person shall be disqualified by sex or marriage for being elected, or being a member of a Parish Council.

It will be observed that the qualification is an alternative one. A Parish Councillor must either—

(*a*) Be registered as a parochial elector of the parish, or

(*b*) Must have a qualification by residence.

(*a*) WHO ARE PAROCHIAL ELECTORS.

Parochial electors are "the persons registered in such portion either of the local government register of electors, or of the parliamentary register of electors as relates to the parish."

The law of registration of voters is much too complicated to be dealt with here, but it may be noted that if election is sought upon the qualification as a parochial elector, the name of the candidate must appear in the printed register relating to the parish, a copy of which can generally be inspected (as a matter of courtesy, but not as of right, for election purposes) at the office or residence of the overseers.

(*b*) QUALIFICATION BY RESIDENCE.

This is considerably wider than the qualification above dealt with. It confers, in fact, the capacity to be elected upon some persons who have no title to be on the register of electors, and who, therefore, have no vote in the election to a Council for which, under the residential qualification, they may be candidates.

The following definition of residence, taken from "Elliott on Registration," has received judicial approval, and it puts the matter so clearly that it may be quoted for general guidance :—

"In order to constitute residence, a party must possess at the least a sleeping apartment, but an uninterrupted abiding at such dwelling is not requisite. Absence, no matter how long, if there be the liberty of returning at any time, and no abandonment of the intention to return whenever it may suit the party's pleasure so to do, will not prevent a constructive legal residence. But if he has debarred himself

of the liberty of returning to such dwelling, by letting it for a period, however short, or has abandoned his intention of returning, he cannot any longer be said to have even a legal residence there."

No more elastic qualification than this could well be devised. Any lodger, entitled even to no more than the share of a bed room, who has resided in the parish, or within three miles thereof, for the necessary year, is eligible for election. So, too, is a woman married and living with her husband, although she be without the separate property qualification which would entitle her to be upon the local government register of electors.

DISQUALIFICATION.

A person is disqualified for being a member or elected if he or she—

(*a*) Is an infant or an alien.

(*b*) Has within twelve months before election, or since election, received union or parochial relief.

(*c*) Has, within five years before election, or since election, been sentenced to imprisonment with hard labour, without the option of a fine, and has not received a free pardon, or has been within the same period adjudged bankrupt, and the adjudication has not been annulled, or the bankrupt has not obtained a discharge with a certificate that the bankruptcy was caused by misfortune and without any misconduct on his part; or has made an arrangement with his creditors, unless the debts have been paid in full.

(*d*) Holds a paid office under the Council.

(*e*) Is concerned with any contract with the Council, or shares in the profit of any work done for the Council. This disqualification for election does not extend to an interest in :—

(*a*) The sale or lease of land, or the loan of money to the Council; contracts for the supply from land of which he or she is owner or occupier, of stone, gravel, &c., for repairing roads or bridges; or agreements for the transport of materials for that purpose.

(β) A newspaper in which the Council advertises.

(γ) A contract with the Council as a shareholder in a limited company, but a Councillor who is a shareholder may not vote on any question in which the company is concerned.

RURAL DISTRICT COUNCILS.

(*a*) Persons who are on the register as parochial electors of some parish within the Poor Law Union, *or*

(*b*) Persons who have, during the whole of the twelve months preceding the election, resided in some parish within the Union.

[For definition of "Parochial electors," *see page* 17 ; as to "Residence," *see page* 17.]

No person is disqualified by sex or marriage from being elected or being a Councillor, and membership is therefore open to any resident of one year's standing, who is not

subject to one of the disqualifications set out on page 18. The disabilities there set out apply also to Rural District Councils.

URBAN DISTRICT COUNCILS.

(*a*) Persons who are on the register as parochial electors of some parish within the district, *or*

(*b*) Persons who have, during the whole of the twelve months preceding the election, resided in the district.

[For definition of "Parochial elector," *see page* 17; as to "Residence," *see page* 17; as to "Disqualification for Election," *see page* 18, under Parish Councils.]

No person shall be disqualified by sex or marriage for being elected or being a Councillor.

GUARDIANS.

(*a*) Persons who are on the register as parochial electors of some parish within the Poor Law Union, *or*

(*b*) Persons who have, during the whole of the twelve months preceding the election, resided in some parish within the Union, *or*

(*c*) In the case of a Guardian for a parish wholly or partly situate within the area of a borough, is qualified to be elected a Councillor for that borough. (*See page* 24.)

[For definition of "Parochial Elector," *see page* 17; as to "Residence," *see page* 17.]

No person is disqualified by sex or marriage for being a Guardian. For general list of disqualifications, *see* under Parish Councils, *page* 18. The disabilities there set out apply also to Boards of Guardians.

The Local Government Board have expressed an opinion that there are three alternative qualifications for the office of Guardian:—

"A person will be qualified if (1) he (or she) is a parochial elector of some parish within the Poor Law Union; or (2) he (or she) has, during the whole of the twelve months preceding the election, resided in the Union; or (3) in the case of a Guardian for a parish wholly or partly situate within the area of a borough, he is qualified to be elected a Councillor of that borough."

"Clergymen and ministers of a Dissenting congregation could not, in view of Section 12 (1) of the Municipal Corporations Act, 1882, possess the last of these qualifications, but they might be elected as Guardians if they possessed either of the other qualifications above mentioned."

COUNTY COUNCILS.

The qualifications for election, though slightly more restricted, are yet very wide.

To become a County Councillor a man must be—

(1) Possessed of real or personal property, or both, to the value in the county of £1,000; or be rated to the poor rate in the County on the annual rateable value of £30. *In addition*, he must have an electoral qualification as follows. Either he must be—

(*a*) Enrolled and entitled to be enrolled as a County elector, *or*

(*b*) Being entitled to be enrolled in all respects except that of residence, he must be resident within fifteen miles of the county, and be entered on the separate non-resident list.

(2) A peer owning property in the county.

(3) Registered as an ownership voter for Parliament in a county.

On the face of it, these qualifications appear anything but democratic, and we seem to hear an echo of the old, complaining cry, "property, property, property."

Where, then, is the wideness we have spoken of? It is to be found in that which lawyers love to find in statutes—known as a proviso, not seldom like the post-script of the hasty letter-writer, in that there lurks the whole importance of the document:—

Provided that *every person shall be qualified to be elected and to be a Councillor who is at the time of election qualified to elect to the office of Councillor.* But if a person so qualified ceases for six months to reside in the County, he shall cease to be qualified under the proviso, and his office becomes vacant, unless he was at the time of his election and continues to be qualified in some other manner.

The "property qualification," therefore, resolves itself into this—that the occupation franchise, which entitles a man to vote as a county elector, also entitles him to be chosen as a Councillor for the County. In other words, he must be on the register of voters as the occupier as owner or tenant for one year preceding the 15th July before the election, and continue to be at the time of the election an occupier—

(*a*) Of a house, shop, or warehouse of any value; *or*

(*b*) Of some land within the county, of a clear yearly value of not less than £10.

To retain the office of Councillor, once elected on this qualification, he must, unless independently qualified, continue to reside in the county. If he ceases so to reside for six months, his office becomes vacant.

To this provision that the right to vote confers the right to be elected, there is, however, one big exception. A woman is *not* qualified to become a County Councillor, in spite of the fact that she is, if unmarried or a widow, capable of being registered as a county elector and of voting in the election. Many persons supposed that a new sphere of public activity was opened to women by the establishment of County Councils, but the matter was brought to the test of the Law Courts by Lady Sandhurst, who secured election to the London County Council in 1889, only to have her victory nullified by the judges. The law of England declares an inherent incapacity in women to fill any public office, unless Parliament has distinctly extended that right to them in respect of any particular assembly, as, for example, has been done in the case of Parish and District Councils.

DISQUALIFICATIONS FOR ELECTION.

1. Infants, aliens, and women.

2. A person who has, directly or indirectly, by himself or his partner, any share or interest in any contract with the Council. This disqualification does not extend to an interest in:—

(*a*) The sale or lease of land, or the loan of money to the Council; contracts for the supply, from land of which he is owner or occupier, of stones, gravel, &c., for repairing roads or bridges, provided that such interest does not exceed £50 in any one year.

(*b*) A newspaper in which Council advertisements are inserted.

(*c*) Any company which contracts with the Council for lighting or the supply of water, or insurance against fire, or any joint stock company.

3. A person who has been convicted of felony until he has suffered his punishment or has been granted a free pardon; or found guilty of corrupt practices at an election; or after conviction for corruption as a member of a public body has been declared by the Court incapable of holding any public office.

4. A person who has been adjudged bankrupt; but disqualification ceases when bankruptcy is annulled or bankrupt obtains his discharge with a certificate that bankruptcy was caused by misfortune, without any misconduct on his part. A person who has compounded with his creditors is also disqualified unless his debts have been paid in full.

[A Councillor who is declared bankrupt, or compounds with his creditors, is thereby disqualified, and ceases to hold office.]

5. A person who holds the office of County Coroner.

TOWN COUNCILS.

Membership of a Town Council, under the Municipal Corporations Act, 1882, is confined to—

1. A man who is possessed of real or personal property, or both, to the value—

(1) In a borough having four or more wards, of £1,000, and in any other borough, of £500, or

(2) Is rated to the poor rate in a borough having four or more wards on the annual value of £30, and in any other borough of £15. *In addition,* he must be either—

(*a*) Enrolled or entitled to be enrolled as a burgess.

(*b*) Being entitled to be so enrolled in all respects except that of residence, he must be resident within fifteen miles of the borough, and be entered in the separate non-resident list.

But, as in the case of a County Council,

Every person shall be qualified to be elected and to be a Councillor who is at the time of election qualified to elect to the office of Councillor; but if a person so qualified ceases for six months to reside in the borough, he ceases to be qualified under the proviso, and his office becomes vacant, unless he was at the time of his election and continues to be qualified in some other manner.

The occupation franchise, therefore, entitles a man to become a Town Councillor for his Borough.

Women are ineligible.

Disqualifications, including the disability of women, are the same as for a County Council, with the following additions :—

1. Clergymen and Dissenting ministers.

2. Officers on the active list.

3. A person holding the office of Recorder for the Borough.

[A County Coroner, although disqualified for membership of the Council for the county in which he holds the appointment, is not disqualified for being a Town Councillor.]

LONDON BOROUGH COUNCILS.

The qualification for membership of the London Borough Councils is one of the widest known to our law, but is narrowed in one important respect in that membership is confined to the male sex. The following are eligible for election :—

(*a*) Male persons registered as parochial electors of a parish within the Borough.

(*b*) Male persons who have resided within the borough for at least one year preceding the election.

Disqualifications for election are those set out in the Local Government Act, 1894. (*See page* 18.) But a woman is not eligible for election as a member of a Metropolitan Borough Council.

CANDIDATURE AND ORGANISATION.

SYNOPSIS.

Organisation before Candidature.—Support for a Candidate.—Machinery.—Ratepayers' Associations.—Local Candidates.—"Political" contests.—The "No Politics" view.—Organisation *versus* unaided efforts.—Party Association.—Non-political contests.—"A clean sweep."—Uses of a "cry."—Outline of organisation for Municipal Elections.—Central Committee.—District branches.—Local Officers.—Donations and Subscriptions.—Difficulties.—Municipal Elections.—Committees.—Growing popularity.—The Independent Candidate.

The above heading perhaps falls into the mistake of putting the cart in front of the horse, for in all well regulated contests organisation should certainly precede candidature, since splendid isolation is not the sort of attitude which wins elections, and the aspirant who is unsupported by something more than his own good opinion of himself has, under ordinary circumstances, to do a vast amount of electoral spade work before he has much chance of heading the poll for his district. Accordingly, in municipal, as in imperial politics, we generally come pretty early upon the machinery which popular election has brought into being to secure the representation of views supported by at any rate a considerable section of voters.

The machine is of varied patterns. Sometimes it is avowedly political, in the party sense, and in that case it is usually tacked on to, or even an integral part of, a local organisation for imperial politics. Sometimes it is professedly a non-party organisation, in which case, more often than not, it is called a Ratepayers' Association. But whether political or non-political, and by whatsoever name they are christened, where associations with municipal views exist, the choice of candidates is largely, if not entirely, in their hands.

It is in the nature of the contests we are now considering that there is no room for the perambulating politician. In Parliamentary elections we come across the gentleman who arrives in a constituency with the mythical carpet bag and a return railway ticket, but his kind is not met with when we come to the smaller areas with which local government concerns itself. Our Parish Councillor must be parochial, and so on all the way along the scale of local bodies. A local habitation and a home is not merely desirable, but is essential to his candidature, the only exception being in the case of County Councils, where entry on the ownership register gives a qualification for election without the requirement of a residence.

The choice of candidates, therefore, may occasionally be somewhat limited, and where there is a lack of public interest in local government there may even be difficulty in securing suitable representatives. Such cases are not common, however, and in the ordinary way there are a sufficient number of persons eager to take a share in

public life by securing election to some of the local councils of their district.

The question at once crops up as to the system upon which the contest will be waged, that is to say, whether each opposing candidate will have behind him some effective organisation to help him in the fight. Let us take first the case of contests in which the forces of local political organisations are brought into play upon both sides. It is often argued that party politics are out of place in municipal matters, and there is much to be said in favour of that opinion. No one wants roads laid on Radical lines, or thinks that dustbins should be cleared by Tories for Tories. Yet in practice, party politics do operate considerably in local government matters, chiefly because in most cases the only permanent organisations available for fighting elections are the local associations of the respective political parties. Moreover, while conventional divisions into Conservative and Liberal opinions are out of place in dealing with the practical problems of local administration, it cannot be denied that members of a political party are more ready to support those whom they know to be in general agreement with them on public matters, and in whose course of action after election they therefore feel greater confidence.

A novice probably may fail to see the importance of the point under discussion, but so soon as he launches out upon his campaign he will realise all that an efficient organisation at his back means. Take, for example, a Town Council election in a populous district, or a County

Council in a rural district. In nine cases out of ten the candidate who wins is he who gets quickly into touch with the voters, and whether the fight be in a large ward of some big town, or in a scattered division of a big county, that process may be anything but easy to a candidate who is trusting to his own unaided efforts. Workers must be enrolled, a canvass must be set on foot, meetings must be arranged, and without some organised assistance the task is a heavy one. But backed by the political association of his party, half the labour and difficulty disappear. There will be ready at hand the local branch, with its officers, committee, and members, all of whom are more or less bound to support his candidature, and many of whom will be active workers on his behalf. He will be able to secure also the party register of voters, whereon he may see his political friends marked out from those whom he must look upon as his foes in the contest. When he puts himself in the hands of the local branch of his party association, a candidate practically gets his plan of campaign mapped right out for him by simply making use of the machinery existing for that purpose.

But in matters municipal it often happens that on one side, or perhaps on both, the label of party politics is avoided. A number of candidates are the nominees of some non-party organisation, usually, as we have said, representing a Ratepayers' Association, but sometimes got together in order to agitate for—or against—some particular local measure or project. The drawback to the support of such an organisation is that it may mean much or it may mean nothing at all. It often happens

that in revolt at some local extravagance, or urged by some other sting of irritation, an association grows up in a locality intended to exercise a determining influence upon the elections to local bodies. Indignation meetings are called, big threats are uttered, and the metaphor of a clean sweep of offending Councillors gets threadbare from very use. Yet it is but a mushroom growth. After spluttering for a time, the burning indignation flickers feebly out, threats are forgotten, and when the time of election arrives the clean sweep is achieved, not by the protesting ratepayers, but, on perhaps a 30 per cent. poll of the electorate, by the very individuals against whose administration the storm but lately raged. And so, more often than not, it happens that things continue in the same old way, simply because people fail to recognise the fact that steady, constant, arduous work is requisite in every department of politics, using that term in its larger—and truer—sense of things concerning the government of a community. Casual spurts of intermittent attention to local affairs are not going to do anything in the way of altering the complexion of any Council. If a campaign of reformation be decided upon, it has got to be carried on by means of systematic organisation, which is the main secret of winning elections. A few words on the way of going to work in this direction may not be out of place, with a view to the assistance of those who desire to see an increase of public interest in local affairs.

Every house requires a foundation, while most preachers enlarge upon some text. In politics the text becomes a "cry," and in attempting to arouse apathetic

ratepayers to a sense of their local citizenship, some cry is quite a nice foundation upon which to begin the work of organising. The ball may be set rolling at a public meeting, which makes a very good send-off to focus attention on local affairs. A Central Committee may then be formed, whose duty it will be to go out into the highways or the hedges, as the case may happen, to secure the interest and allegiance of individual electors. That Committee needs to be representative of all sections of the community, as it has to get into touch with every class of voters, and it should also be fairly representative of the different wards or districts, as it has to find a footing in each. The mistake so often made in these matters is the notion that a public meeting will do all that is necessary. In fact, it does practically nothing towards affecting the mass of electors. To accomplish that, spade work must be done in every locality until public opinion has been systematically educated. The Central Committee, then, will be almost useless unless it establishes working branches in every district. In boroughs, each ward must have its organisation, but where, as in urban districts, and in the smaller boroughs there are no divisions into wards, one organisation for municipal purposes, representative of the various parts, should be sufficient. In rural districts each parish should have its branch.

The establishment of these branches means that capable men, with a lively interest in the questions at issue, must take up the management. A branch committee should be formed, with Chairman, Treasurer and Secretary as officers. Observe the mention of a Treasurer.

It means that funds must be collected, and the only sound way of collecting funds for organisation purposes is by way of a large number of small subscriptions. A big sum donated by an individual to a Central Committee is excellent in its way. It furnishes the war chest, but ten times better from the point of view of influencing an election are the thousand sixpences or shillings of those whom it is the somewhat ugly fashion to call the rank and file of supporters. A man or woman—for in municipal politics women have even more than influence—many of them possess votes—who is a subscribing member of a branch organisation is more likely to take care that something is done to get value for the money paid in, and by spreading interest in the doings of the branch, to help it in its work of educating the locality in the doctrines it desires to see adopted in local government.

Now all this work of local organisation means time, energy, and money. Success is anything but easy of accomplishment. Failure is the common fate. Those are the reasons why municipal contests get fought more or less upon political lines, with the opposing forces of each party's permanent organisation brought to bear for the fight. Nothing is more easy to talk about, but few things are more difficult to establish than an effective system of getting into touch with electors, of rousing their interest and enthusiasm, of securing their support at the polls, all of which is summed up in that blessed word "organisation."

A middle course is very frequently adopted, where it is desired to secure party aid without display of a party

label. A special Committee is formed for the purpose of fighting municipal elections, which, while it is in close touch with the permanent party organisation, is yet not avowedly a political party device. This plan has been adopted with particular success by Liberals. Under it the Liberal or Radical organisation retires for the time being into the background, its place being taken by a "Progressive Committee." Upon that Committee it is not unfair to say that a very large majority are the active members of the Liberal party, but it is open also to people who would not ordinarily take a hand in party politics. Upon a Liberal or Radical organisation such people would probably decline to serve, but they find no objection to assisting in the deliberations and the propagandist labours of a Progressive Committee, and what applies to them applies also to quite a large number of local electors. The success of the plan explains its growing popularity, and in the future, while municipal elections are likely to be more and more hotly contested, the probability is that they will tend to be fought by such committees, political indeed in complexion, and backed by strong political forces, but with the cloak upon them of non-party associations.

Finally, we come to the candidate who is independent of any organised support at all. It sounds valiant, and in truth, the man who wins a victory under such conditions deserves all the applause—and every vote—he gets. There are exceptions, but usually the only position open to the independent candidate is a place at the bottom of the poll. At first sight this seems an evil thing. Why

should an honest man have no chance who fights only by the force of his own character and views? Why, indeed? The party system has ills to answer for, and, carried to excess, the hopelessness of independence of party in electoral contests is assuredly one. Yet there is another side which must not be lost sight of.

If encouragement were given to candidates to put themselves up without some sort of recognised backing in their district the way would be opened to various abuses. As things are, whatever be the form of organisation behind him, adoption by a local association of a person's candidature is at least some guarantee that if elected he will at any rate pretend to perform the duties of his office. He will have some one to answer to, and those who have supported him, on the recommendation of their organisation, may even go so far as to criticise his public actions—always supposing that their interest in local affairs is sufficient to carry them to such lengths in a matter which touches them closely in their daily life. There are some signs of a public awakening to the importance of local government, so that it is perhaps not too much to expect that the time is coming when in all districts there will be displayed that searching public interest which is undoubtedly the best guarantee for thorough and sound administration.

STEPS IN THE CONTEST.

SYNOPSIS.

Plan of Campaign.—Municipal and Parliamentary contests.—Different Municipal Elections.—"Prospective" candidature. —**Cost of contests.**—Table of chief expenses.—Maximum scale of legal expenses.—Joint candidates.—Estimating expenses.—**Committee Rooms.**—Scale of number.—**Clerks and messengers,** number who may be employed.—**Public meetings.**—Educating electors.—Arranging and organising.—Speakers.—Agenda Form.—Chairman's functions.—Maintaining order.—Questions to Candidates.—Time of meetings. —**Registers and who may vote.**—Parliamentary register and municipal register.—**Address to electors.**—Shape and form.—Composing an address.—"Economy and efficiency."—Criticism.—Avoiding personalities.—Circulation of address. —**Workers.**—How to enlist.—Workers and Canvassing.—Lady canvassers.—Canvass cards.—Meeting of workers.—**The Canvass.**—How not to canvass.—Relief for illegal practices.—What canvassers should know.—Some practical hints.—Personal interviews.—Time to canvass.—Removals.—Handing in cards.—Refreshments for workers.—**Printing and advertising.**—Estimates.—Bills and Placards.—Bill posting and "fly" posting.—Electors exhibiting bills.—Polling cards.—Form of card.—"Squibs" on polling cards. —Collecting polling cards.—**Nomination,** Forms supplied free.—"Rules for conducting elections."—Objections at Nomination.—**Polling day.**—Committee Room duties.—Canvassers on polling day.—**Conveyances.**—Organising supply.—How to use conveyances.—Polling agents.—Personation Questions.—Counting agents.—Paying accounts.—Declaration of acceptance of office.

We come now to the kernel of our nut—the contest. The process of selection has been gone through, and in him who reads we are justified in assuming that the electors whose suffrages he is about to seek will find new proof of the old principle that the best survives. Best, that is, of his own side's would-be champions, for the mettle he now has to test is that of his opponent at the polls. Chosen candidate for the fight, he must at once fix upon his plan of campaign and the method of his wooing of the electorate. To get votes, to get more votes than the other man, that is the task each candidate has before him, and the question now is how that desirable consummation is to be accomplished.

In the first place, it is worth remembering that Municipal contests are not to be fought upon the scale of a Parliamentary election. This is good for the public, who are less disturbed by conflicting claims for their vote and interest, although in local government matters the latter commodity on the part of a too apathetic electorate might well be increased. It is good also for the candidate, who is not called upon to make the same expenditure of time or energy or money.

In discussing the plan of campaign which should be adopted by candidates for municipal honours, it must, moreover, be borne in mind that the arrangements to be made must of necessity vary somewhat according to the particular contest which is being waged. A Parish Councillor often secures election simply by a show of hands at the annual meeting of his parish, but even if he has to undergo the ordeal of a poll under the Ballot

Act, we should not expect him to launch out into a highly organised election contest, or to do things quite on the scale that a candidate for the County Council might properly adopt. It would suggest either a deficiency in his sense of proportion or an uncommon surplusage of money or time, and while possibly popular as tending to liven things up in a rural parish, would scarcely go towards proving the candidate "a fit and proper person" to administer parochial business affairs.

Having uttered this warning, we may with safety proceed to consider the various steps in a local government contest. The warning was necessary in case it should be supposed that the malicious purpose of this chapter was to encourage a spread of election fever through the quiet lanes and peaceful hamlets of our land. On the contrary, let us commend most heartily that shortening of the agony which is characteristic of the happy despatch executed upon parochial candidates by the prompt decision of those present at the parish meeting. But election by show of hands is the exception, not the rule, in local contests, as it does not extend beyond the choice of parochial Councils, and for all other Municipal assemblies the formalities of an election by ballot must be faced. The intending candidate can, however, exercise a wise discretion as to the complexity or the simplicity of the fight he is about to wage, taking the arrangements described in the following pages simply as indications of methods of electoral warfare which he may adopt or reject according to the requirements of his own contest.

At the outset it is good to notice that one difficulty

which often enough assails those who set out to seek election to the House of Commons is of small account in the perhaps lesser glories attendant upon candidature for a Municipal Council. The aspirant for Parliament, with the fear of the law in his soul, must frequently perform many of the functions appertaining to candidature while striving to avoid the conclusion that he is in fact a candidate at all, and if he begins his campaign too soon it becomes extremely difficult not to outrun the constable, in the shape, that is, of the limit of expenditure imposed by law. When, however, we come to matters municipal we are on surer ground. In the first place, municipal candidates do not push themselves forward in quite the same premature fashion as their Parliamentary brethren are apt to do. We do not hear of the would-be wily "prospective" Municipal Candidate a year or two before the contest. Municipal contests are generally short, if not always sharp, and as a rule the whole thing is as lawyers say of their cases, "on and over" within a month. Moreover, if the fancy should take someone to figure about as a candidate a long time in advance, since expenditure is limited in scale only in County Council and Town Council elections there seems nothing to prevent the assumption of candidature for local councils (other than the two mentioned) at any time it pleases the taste of an individual who seeks thus early to join the ranks of those of whom it has been unkindly said that they stand before a contest with the hope of sitting after it, but with the absolute certainty of lying during it.

While on the subject of election expenses, it is perhaps as well to deal with the interesting questions of what a municipal contest means financially to a candidate.

Here, again, there is a substantial advantage in his favour. Returning Officer's fees do not, as in Parliamentary contests, fall upon the candidates, but are discharged by the community. All a Municipal Candidate then has to face is what he chooses to expend in seeking the suffrages of his locality. As we have to consider elections varying in magnitude, it will be better to set out, first of all, the chief items of outlay which have to be allowed for. Naturally, some of them would not appear at all in the minor elections, but the list will serve as a reminder to Candidates of the different matters they may require to make provision for :—

1. Committee Room hire.
2. Register of Electors.
3. Clerks' salaries.
4. Messengers' wages.
5. Hire of rooms for Meetings.
6. Canvass Cards.
7. Literature.
8. Printing Address to Electors.
9. Other Printing.
10. Advertising.
11. Bill Posting.
12. Distribution of Address, Literature and Polling Cards, if not sent by post.
13. Stationery.

14. Postages (*a*) Address to Electors.
(*b*) Polling cards.
(*c*) General.

15. Miscellaneous.

This list perhaps looks formidable on paper, but it need not alarm those who cherish municipal ambitions. Except in Town Council or County Council contests, it rarely happens that things are done upon an elaborate scale, and in both Town and County Council elections Parliament has laid down the following scale of expenditure, which must not be exceeded, on pain of avoiding the election :—

SCALE OF ELECTION EXPENSES APPLICABLE TO COUNTY COUNCIL AND TOWN COUNCIL CONTESTS.

	£	*s.*	*d.*
Not exceeding 500 electors	25	0	0
Above 500, a sum of 3*d.* for each elector, *viz* :—			
750 electors	28	2	6
1,000 „	31	5	0
1,250 „	34	7	6
1,500 „	37	10	0
2,000 „	43	15	0
2,500 „	50	0	0
3,000 „	56	5	0
4,000 „	68	15	0
5,000 „	81	5	0

&c., &c.

The law recognises the greater cost of election machinery for a small number of voters by permitting expenditure upon the first 500 at the rate of 1*s.* per elector, the sum per head being reduced to 3*d.* for each elector above 500.

The scale does not apply to Parish Council, District Council, London Borough Council, or Guardians' elections. In a Town or County Council contest to determine the amount which may lawfully be expended, a candidate should consult the Register of Voters for the division. The scale of expenditure is fixed by the number of persons there shown as entitled to vote in the election. (*See* also page 119.)

JOINT CANDIDATES.

Candidates are deemed to be joint candidates where they use the same committee rooms, or employ the same clerks, messengers or polling agent, or publish a joint address, or circular, or notice having reference to the election, unless such joint action is accidental or trivial.

The maximum amount of expenses is reduced by one-fourth for each joint candidate when there are two of them, and by one-third when more than two candidates stand jointly. In contests for the London County Council, to which two members are returnable in respect of each Parliamentary division in the Metropolis, this provision as to expenses is very important, as joint candidature is usually adopted. It means, for instance, in a division having 5,000 electors, in which fighting separately each candidate could expend up to £81 5s. that their united total is reduced to £121 17s. 6d.

Where candidates fight jointly it has also to be borne in mind that they may not hire more committee rooms, or employ more clerks or messengers than would be allowed for one such candidate in the division.

ESTIMATING EXPENSES.

Whether or not he is under a legal limitation with regard to the amount of his expenditure, a candidate is well advised to sit down quietly before the contest and form a detailed estimate of the probable expenditure he will have to meet. True, in the case of a Parish Council election by show of hands, there may be no need for the candidate to put his hands in his pocket at all. But only the few will find themselves in this happy position, and even when a £10 note is likely to cover the cost of his campaign, a candidate loses nothing by mapping out his plans beforehand, while, where the law places a limit beyond which expenditure may not pass, a preliminary estimate is a necessity, if trouble and infringements are to be avoided. The Municipal Candidate, even regulated as to amount, is more easily dealt with by law than he who seeks to enter the House of Commons, since the latter has various heads of expenditure classified from which he may not depart, except as regards such matters as he can properly bring under the heading of "miscellaneous." The Municipal Candidate may not spend much, but so long as he keeps clear of any expense actually forbidden by the law, he will be all right.

If the list already given is referred to, it will be found a fairly good outline guide to the various steps in the contest, besides an assistance in allocating the heads of expenditure. It would be very little use to attempt to set out any sums as the actual amount to be expended. In an election for a populous County Council division the total maximum runs into some hundreds of pounds,

and one evil about fixing a maximum by law appears to be that it creates an idea of a sort of standard of expenditure up to which a candidate is expected to go. The idea of course is wrong and ridiculous. A man who does not realise the difference between *meum* and *tuum* is commonly called by the harsh name of thief; but in election matters, people are very apt to get muddled between the equally simple expressions *minimum* and *maximum*. Because Parliament says that *not more* than a certain sum is to be expended, Parliament is sometimes taken to mean *not less*.

COMMITTEE ROOMS.

Beginning with committee rooms, one of which at least will be required early in the contest, it will be found that many candidates, particularly in rural districts, escape calls upon their pocket in this direction. Perhaps a room in the candidate's own house will serve the purpose, or one may be lent by some friendly elector. But in towns or cities, one committee room at any rate must generally be hired, and for County Council contests it is often necessary to provide in addition to a central committee room, rooms in different parts of the constituency. The central would be required perhaps a fortnight before the contest, to prepare envelopes, canvass cards, and other things necessary for the fight. Ward or district committee rooms need only be opened two or three days before the poll, so as to form an office where local workers can get canvass cards and information. A pound or two should pay for "the central" and except in large towns a

few shillings will generally secure the use of a suitable room for branch committees during a few days before the poll.

ARRANGEMENTS AT COMMITTEE ROOMS.

Care must be exercised about the position of committee rooms. The central should be what its name implies, easily accessible from all parts of the constituency. It ought also to be in a fairly prominent place, since in elections as in commerce the uses of advertisement are great, and you should never lose a chance. If possible two rooms should be secured, so that the Candidate may have some chance of privacy with his chief assistant, or with callers whom he may wish to interview. Still, the second room is more a luxury than a necessity, and financial considerations must decide that matter, as also many others in the contest. Branch committee rooms should be chosen near the polling stations of their district, in order that communication may be rapid on the day of election between the staff in the room and workers outside. In every case, of course, strict regard must be paid to the law which forbids the use of certain premises as committee rooms—(*see* page 128)—and where payment is made the number permitted to be hired must not be exceeded. As a matter of fact there is often a tendency to multiply committee rooms unnecessarily, and this means that money is wasted, because in elections, committee rooms are, to a certain extent, the measure of expenditure. The scale laid down by law (*see* page 117) is as follows :—

In each electoral division in a county, or in a borough

if the election is for a borough, or in a ward if the election is for the ward of a borough—

One Committee Room may be hired.

If in either such case the number of electors in the division, or borough, or ward exceeds 2,000, one additional committee room may be hired, *e.g.*—

Up to 2,000 electors	..	..	1 committee room.
2,001—4,000	„ ..	..	2 committee rooms.
4,001—6,000	„ ..	..	3 „ „
6,001—8,000	„ ..	..	4 „ „

and one additional committee room may be hired for every 2,000 additional electors or part of 2,000. Rooms freely lent may be used without limitation of numbers.

CLERKS AND MESSENGERS.

With the question of committee rooms, the expenditure upon clerks and messengers is closely bound up. In a minor election friendly unpaid assistance can often be secured, since all that is necessary can easily be done in leisure hours. But in larger contests, someone must be constantly in attendance at each committee room, so it is an axiom that multiplying committee rooms means multiplying clerks. It is hardly possible to lay down a scale of pay, but for whole time services thirty-five to fifty shillings a week is about the average for clerks at municipal elections, while messengers get about twenty-five shillings. The number of clerks or messengers who may be employed is limited by law (*see* page 125), the following being the scale laid down :—

Up to 2,000 electors	..	..	2 persons.
2,001—3,000 „	..	..	3 „

3,001—4,000 electors	.. ..	4 persons.
4,001—5,000 „	.. ..	5 „
5,001—6,000 „	.. ..	6 „
6,001—7,000 „	.. ..	7 „

and one additional person for every extra thousand electors or part of a thousand, thus :—

For 8,570 electors	.. .. ..	9 persons.
For 10,280 „	.. .. ..	11 „

The persons employed may all be employed as clerks, or as messengers, or in either capacity, so long as the number permitted is not exceeded.

PUBLIC MEETINGS.

In calculating his electoral budget, the next thing which a candidate should turn his attention to is the question of public meetings. The difficulty of securing a good attendance of electors at meetings during municipal contests has attained almost the dignity of a tradition amongst those who have experience in such matters. As yet, representative local government outside the borough corporations of the country is in its infancy, since the whole system of County Councils only dates from 1888, and the real truth of the matter is that electors are badly in need of education as to their comparatively new rights and responsibilities. There can be no doubt that the very best form of public meetings for municipal purposes are those held between elections at which administration of local affairs and the powers and duties of local authorities are brought before the electorate. Upon the passing of the Local Government

Act, 1894, which as the complement of the legislation of 1888 gave us the system of parochial home rule in rural parishes by the inhabitants, it was hoped that a spirit of public interest would be roused in the work of Parish Councils and District Councils. That hope still remains lamentably unfulfilled. Thus the scope for education in local government matters is almost unlimited in nearly all parts of the country, and not least in London and some other of our great cities, where the vastness of the area and population militates against the personal interest in, and knowledge of, local affairs which is a healthy feature of many towns of less unwieldy size. Members and would-be members of municipal bodies would do well therefore, to arouse public interest by holding meetings on local topics from time to time. Even to-day there is a huge section of the electorate which cannot rid itself of the notion that all questions affecting local government are dull, uninteresting, and worthy to be avoided. During a contest it is too often found that they preserve a dignified neutrality by carefully abstaining from attending any gathering on either side, but experience proves that when some question of practical policy is under discussion by the local authority which, while perhaps small in itself, will affect the purse or the comfort of inhabitants, there is no difficulty in securing an audience for the ventilation of views upon the matter in question. The problem of dust disposal and collection is, perhaps, a minor detail of local government, but when some authorities have shown a tendency to enforce regulations which are harassing to householders, as, for example, by proposing to make them place their

refuse upon the sidewalk for morning gathering by the Councils' dust carts as recently happened in a metropolitan district, there is no end to the angry utterances of aggrieved ratepayers, who are only too glad to assemble themselves together in public protest, though investigation might show that those who make most noise on such occasions have not taken the trouble to vote at local elections. But what is wanted is some such opportunity of educating electors to the importance of an interest in local affairs, and it may be found much more readily in the intervals between elections, than a week or two before the polls, when the common attitude of electors is only too apt to be "a curse on both your houses." The utterances of an actual candidate are looked upon as mere vote-catching devices, and while tradition or training has made men keen enough to interest themselves in Imperial politics which they understand, or at any rate, think they understand, in municipal affairs there is oftentimes no such incentive to encourage investigation into matters upon their absolute ignorance of which many persons most foolishly pride themselves.

The candidate who has recognized the need for education in municipal affairs, and who has succeeded in getting the constituency to realize the importance of the issues which are decided at the periodical elections, will probably reap the benefit when the contest actually opens, and be relieved from the necessity of the kindly assistance recorded of a local newspaper which in reporting a meeting literally confined to the scriptural "two or three gathered together" to listen to the words of wisdom from one who

afterwards became a risen star of great magnitude in the political firmament, described the gathering as "not large, but very influentially attended." But whether or not he has prepared the ground by educating electors, or whether his prospects of crowded audiences be good or bad, a candidate for important municipal honours must afford constituents the opportunity of hearing his views and of questioning their soundness. Even when a candidate's claims to election are uncontested by an opponent, some such opportunity may very properly be given; and the necessity is of course greatly strengthened when another Richmond is in the field.

Public meetings and the arrangements to be made for them require therefore some consideration, and as a start it is well to decide where they are going to be held. In this matter, again, circumstances will widely differ. In rural districts a schoolroom is the usual and most convenient place, while in towns some more pretentious building may be advisable, but it must be remembered that there is a general prohibition against holding municipal election meetings upon licensed premises. (*See* page 128.) The expenses naturally vary also from a matter of shillings to perhaps several pounds, but a candidate ought not to incur heavy liabilities in respect of hire of halls for meetings. Moreover, he will be well advised not to make his list too long. If he is an orator by birth or education, he may be tempted to let himself go in the way of public gatherings, but a too lengthy series during the contest is apt to prove a useless expenditure of time and money. It is well also to decide at the outset exactly

what meetings he will hold, and to fix at once the place and time, in order that particulars may be announced with the address which he sends out to electors. This has the advantage of saving money in postage and printing, besides being an object lesson in those sound principles of economy in administration upon which nearly every Municipal Candidate, in these days of heavy rates and huge expenditure, finds it desirable to take his stand.

Having fixed his meetings and advertised them in the way indicated, and also possibly by means of bill posters, the next thing is to give some attention to the details of their arrangement, in order to get the utmost possible benefit from them. Meetings will not win an election, but, properly organized, they may considerably assist in that direction. If the audience be left out of account, the first essential for a public meeting is a speaker or speakers. Now the candidate clearly must speak himself—or do his best to, if he is a novice. He must have a chairman, who will probably wish to give the audience the benefit of his views. The question is, how many additional speakers are desirable. About the best way to arrive at a solution is to fix a time limit for the duration of the gathering, and in the ordinary way an hour and a half is about enough—for the audience. With meetings, as with speeches, it is better to be too short than too long. A form of agenda ought always to be provided for the Chairman, so that he may be able to see exactly what is to be done, and who is to do it. Again, care should be taken at all meetings to get a good and representative platform, as a candidate seated there

alone with his chairman conveys a poor impression of popular support to the meeting he is facing. If possible some past or present members of the Council to which the candidate is seeking election should be at his side, and one of these, or a prominent person in the district, should propose the vote of confidence which is nearly always a feature of election meetings. If an elector among the audience can be induced to make a short, effective speech as seconder, nothing better could be arranged. The following suggestions for agenda may be useful :—

CHAIRMAN'S AGENDA.

..... Council Election.

Meeting at ..... on ..... day ..... 19...., at....p.m., in..... Hall (or Schoolroom).

1. Chairman's opening remarks.
2. Candidate's address.
3. Questions to candidate.
4. Resolution of confidence :—

"That this meeting of electors is of opinion that ..... is a fit and proper person to represent them in the [County, or Town, or District, or Parish] Council, and that those present pledge themselves to use every legitimate effort to secure his election."

Proposed by .....

Seconded by .....

5. Vote of thanks to chairman and speakers.

Proposed by .....

Seconded by .....

It will be observed that even the above modest programme involves no less than six speeches, and at an average of fifteen minutes a head the hour and a half is already mortgaged, so that a more extensive list of speakers is unnecessary and even unwise. If the preliminaries have been carefully arranged—and by preliminaries we mean, first, making the meeting, its hour, place, object, and speakers known to electors; secondly, the provision of the room with proper attention to its heating, lighting and ventilation, not to mention seating accommodation for the audience—that on which much of the success or otherwise of the gathering will turn, is the choice of chairman. He should be both well known and well liked in the neighbourhood, and if possible, be more ready to listen than to speak. The function of a chairman is to introduce the candidate and other speakers to the audience, and to preserve order and decorum in the gathering. A chairman who takes the cream off a meeting by an exordium of forty minutes' duration is an instance of a person having mistaken his vocation. Perfection is seldom found, even in a chairman, but it is secured in one who makes a pleasant ten minutes' opening speech, dealing generally with the objects of the gathering, and touching lightly upon the personality of the candidate. These personal allusions are delicate matters, however, particularly when they refer to the abilities of the candidate, and require gentle handling. Next, and not less important, an ideal chairman must have mastered the art of dealing with manifestations of disorder. Not many municipal election meetings, it

is true, are marked by turbulent opposition, but uproar does sometimes occur, and a feeble, inexperienced chairman is apt to get into difficulties, or—worst of all—to lose his temper. In some districts interruption is the regular thing, and may be counted upon. Under these circumstances it can be prepared for, and minimized. Interruptors nearly always get to the back of a meeting, and sit or stand about in groups. Care should be taken to divide up such groups by interspersing a few stalwart supporters, and suspected disturbers are less likely to make themselves obnoxious if they are seated somewhere near the front, among adherents of the candidate. "Chucking out" is an inartistic method of dealing with interruption, but where persistent efforts are made to prevent speakers getting a hearing, it may have to be resorted to. No one is entitled to obstruct a lawful assembly, and consequently the disturber of the peace who is forcibly ejected has only himself to thank, and only himself to blame, if he receives rough handling; but those who exercise this summary discipline on the offender must refrain from the administration of anything in the shape of deliberate punishment, as all they are permitted to do is to exert such force as may be necessary to remove a persistent interruptor who refuses an invitation to walk out quietly.

Unless there is some regularly organised opposition, a chairman who is genial, but not too genial to be firm, can generally secure a quiet meeting. But he must not be left to arrange a number of details. Those responsible for the meeting should prepare the agenda, and settle on

speakers to the various resolutions beforehand, so that when the chair is taken its occupant should have the evening's programme clearly set out in front of him. Too often it happens that things are left to the last minute, and while the meeting is in progress persons keep moving about in search of some one to propose this, and some one else to second that. Bad stage management of that kind goes far to spoil a meeting, and it is just as easy to arrange matters a little in advance. Many men cannot make a good speech under any circumstances, but no man can be expected to display the eloquence of a Demosthenes at three minutes' notice.

QUESTIONS TO CANDIDATES.

Besides speech-making, there is another ordeal which a candidate must be prepared to face, and that is answering questions put to him at meetings. Electors are entitled to cross-examine him as to his views and intentions, but the privilege does not extend to those who are not voters. Hence, it is usual at election meetings for the chairman to announce that the candidate after having addressed the gathering will be pleased to answer questions to be sent up in writing, with the name and address of the enquirer attached. The pleasure is usually a figure of speech, as the process is anything but a pure delight to most candidates although, as they have to go through with it, it is well to put on, despite the depressing circumstances of the occasion, that pleasant expression the photographic artist demands with irritating exhilaration from the prisoner in his chair. Some candidates, however, are

absolutely unable to withstand a constant volley of oral enquiries, couched as such often are in a way that makes adequate reply most difficult. Any hesitation or an appearance of evading an inconvenient questioner may embolden the latter to resort to that most unfair of all rhetorical devices by the demand of a simple "yes or no" reply. Not all candidates in such circumstances are able to turn the tables upon the tormentor so successfully as was done by one who borrowed the very weapon of his adversary, and promised a direct reply provided a similar concession was granted previously to one enquiry he proposed to make himself. The seeker for political information incautiously agreed, and only realised the predicament in which he had landed himself when a roar of laughter went up at the quiet demand—"Have you *left off* beating your wife, sir; yes or no, please?" "Heckling" is a matter in which the chairman's power of control may be usefully exercised, but while a public meeting will almost always support the chair in demanding fair play, anything which approaches a muzzling order is certain to be resented, and to impair the prospects of a candidate.

TIME OF MEETINGS.

A point of importance is to fix a suitable hour for the meeting. Roughly, it may be said that meetings in manufacturing towns should rarely be billed for a time earlier than 8 o'clock, as operatives want to get home for a wash and a meal before they will turn their minds to public matters. In such districts, an open air gathering

close to the factories or works during the dinner hour is often the most successful way of getting at voters. Some constituencies of the metropolis can never muster a meeting much before 9 o'clock, while the best hour in rural districts may be 6.30 or 7, so as to allow of an early finish. The day of the week should also be chosen with care, having regard to the circumstances of the place, and, if possible, clashing with other public fixtures should be avoided.

REGISTERS, AND WHO MAY VOTE.

As it is the business of a candidate to secure votes, he has to find out who has a vote to give. The way to do this is to procure a copy of the Register of Voters, which in a county can be obtained from the Clerk of the Peace, and in a borough from the Town Clerk. The price is fixed by Statute as follows :—

	s.	d.
Not exceeding 1,000 names	1	0
Exceeding 1,000 and not exceeding 3,000 ..	2	6
Exceeding 3,000 and not exceeding 6,000 ..	5	0
Exceeding 6,000 and not exceeding 9,000 ..	7	6
Exceeding 9,000	10	0

It is here that a candidate who is fighting without any permanent organisation behind him, will find himself at a disadvantage. The object of organisation in politics is to distinguish friends from foes in the voting sense, and one of the principal means of accomplishing this end is constant attention to the register of electors, by marking up their political views. When this is systematically done, the register is a guide to the constituency, ready at

hand whenever a contest occurs, and the candidate who has it at his disposal gains enormously. When Municipal Elections are openly fought on party lines, the marked register is of course available for those who are receiving the support of the party organisation, but municipal candidates are expected sometimes in return for this help to make a small contribution towards the expenses of registration, though it is safe to say that even the largest donations will be thankfully received, as registration entails a heavy call upon party funds. It must be remembered that the Parliamentary register is not identical with that for municipal purposes. In some respects, the right is narrower, since lodgers and service voters have a voice in the choice of a member of Parliament, but none for Town Councils, or for County Councils, save only within the County of London, where all parochial electors have a vote for the London County Council. On the other hand, while women are debarred from the Parliamentary franchise, sex is no disqualification for the right to vote in Municipal Elections. A *married* woman, however, cannot vote in any *County* Council election, but marriage does not disqualify a woman from exercising the franchise in respect of District or Parish Councils or Guardians so long as she has a qualification separate from that under which her husband claims.

While, therefore, the use of a carefully marked register prepared by a political organisation is invaluable to a municipal candidate, in nearly every constituency it will be necessary to institute a new canvass of those local

government electors who are not also Parliamentary voters. The work of canvassing is discussed on pages 70, 72, as under the present conditions of contested elections a systematic canvass of all electors is necessary, but the task is very much more laborious when it has to be commenced entirely afresh without the aid of a register marked up as already described. In most districts, "removals" have to be reckoned with. The register is made up in the summer, and for municipal purposes it comes into force on the 1st November in the same year; but even in an interval so comparatively short many changes of addresses will have taken place, while the percentage becomes more formidable for every week added to the age of the register, so that at elections which take place in the spring, such for instance as those for District and County Councils, the number of changes of address is in many constituencies very large indeed. An efficient political organisation at any rate in towns and cities endeavours to keep in touch with the movements of electors, but when a contest comes, it invariably occurs that even in the best regulated constituencies, accidents in the shape of untraced removals will happen, and a greater or less number of communications get returned to the committee rooms whence they came. A candidate independent of any permanent organisation rarely has any means of dealing with this difficulty, except by means of the canvass.

ADDRESS TO ELECTORS.

The matter which must next receive careful attention from the candidate is his Election Address. In some cases, this will provide the only means open to its author of reaching the whole constituency. In all cases, its preparation requires the utmost care, as it will be a public document open to the criticism of opponents who will be only too glad to pick holes in it. Perhaps there is no better text for a municipal meeting than a speech dealing with the different items in an adversary's programme, and the possibility of the composition being submitted to this use should be present as a restraining influence when it is being penned for publication. The candidate in fact, must consider not only what to say, but how to say it. Commercial enterprise will supply him with a common form for his last will and testament at an expenditure of sixpence, though possibly the objects of his post mortem bounty may find his purchase was dear at the price. But no such adventitious aid is at hand for composing an election address, unless by resorting to previous contests he finds examples in the forgotten programmes of the past. In one direction, this research is not only useful, but highly desirable. If his opponent of to-day has already made appearances in the character of a candidate, it may be well worth the trouble to turn up his previous utterances, in the shape of election addresses. The saying, other times, other manners, has more than one application, and not seldom it will be found that the candidate of yesteryear spoke with a different voice from that in which

he woos his electorate to-day. This, however, by the way. It may give an opening for an effective home-thrust upon the platform, but it will not be likely to help in the preparation of an election address. Most candidates, at any rate upon their first appearance in that role, start off by recording the fact that they have received an invitation to present themselves before the electorate. There is no harm in this. On the other hand, there is not much good unless it is made clear that the request has come from a representative section of the community. "Having been invited to present myself as a candidate," need not mean any more than a domestic intimation from the candidate's better—and possibly more ambitious—half that she desires "her John" to become a member of the local council. When, therefore, the invitation has a wider and a more disinterested basis, its source should be specified, as for instance — "by the Ratepayers Association or the Municipal Alliance"—or "at a public meeting of the inhabitants." Next in order may properly come some reference to the candidate's connection with the locality, the number of years he has been a ratepayer, any important public offices he has filled, and so on, as an introduction to those among the electors to whom he is not personally known. Having thus made his public bow, so to speak, he must get to the body of the address and tackle questions of policy. Here his convictions must be his guide, and the only outside counsel which can be given is a suggestion or two in the manner of stating them. Plain language, with short words in short sentences is a sound rule. Your average voter does not like or understand a crowd of

reservations or a shower of "ifs and whens." He looks for downright statements with which he can immediately agree or disagree, and he objects to anything approaching the political catholicity of the Yankee humourist who announced—"Those, gentlemen, are my opinions, but if you do not like them, they can be changed." A declaration in favour of "economy with efficiency" is a commonplace formula, the vagueness of which makes it attractive to some candidates, but utterly meaningless to voters. A moment's consideration shows that the average elector enjoys total ignorance of any standard of municipal expenditure, outside the figure presented to him in the periodical rate demand votes. If, therefore, a candidate is in earnest about a reduction in local expenditure, he would do better to cast aside loose generalities, and prove his case by indicating definitely those items in the finances of the Council he is seeking to join, which he holds can be properly pruned in the interests of the ratepayers. Naturally, this precision has its dangers. If he only tumbles upon a financial mare's nest he delivers himself into the hands of his opponents, to his own undoing. That of course is the worst blunder he can commit. But when, as the apostle of economy, a candidate touches the spot, and shows one or more examples of extravagant administration which he pledges himself to use his efforts to reform, he has got hold of a good thing from an electoral—or an electioneering—point of view. Clearly, therefore, even if the luxury of a generalities paragraph be indulged in, the candidate who relies upon criticism of the Council's policy in the past, should put

into his election address some definite indication of the wrongs he is burning to right for the benefit of his fellow ratepayers and sufferers. Criticism is not to be understood to mean personal abuse. Some people find a difficulty in separating the two, but the man who has to resort to abuse of opponents proverbially shows pretty plainly the weakness of his own case. Public affairs offer a wide enough field for comment, and irrelevant personalities are better avoided, although too often they are allowed to make an appearance in the course of municipal contests. It is rare, however, to find anything so glaringly indefensible as attacks upon individuals in an election address, but a word of caution is permissible to candidates who, by launching into criticism, adopt the strategy of attack. Policy, not persons must be their target. However careful they may be, it is more than likely that opponents may seek on the platform or in the columns of the press, to interpret criticism of the existing administration as an attempt to injure an opponent personally. To avoid this, a candidate must tread warily, not only on the platform but in print, and confine his critical talents strictly to matters of public interest. Responsibility for faults in local administration should be saddled, not upon an individual, but upon the majority who supported the policy adopted, and where the municipal critic confines himself to this line of argument he takes his stand on fairly firm ground. In Parliamentary elections, any person who makes a false statement of fact about the personal character or conduct of the candidate commits an illegal practice, unless he can show that he

had reasonable grounds for believing what he said or wrote to be the truth. If such a statement is published by a Parliamentary candidate or his election agent, or by the authority of either of them, the election may be avoided. Curiously enough, the Act does not apply to municipal contests, where experience shows campaigns founded upon personal remarks, not the most flattering, are more common than in Parliamentary elections. The rapid procedure available in the latter to check slanderous attacks cannot, therefore, be resorted to, but of course the ordinary law of libel and slander holds good in all contests. The public actions of a councillor or candidate are fair objects of criticism, but this does not mean that his private life and character are open to unfair attack, otherwise public life would become intolerable.

But an election address which begins and ends in criticism of the powers that be, is hardly a satisfactory programme with which to come before a constituency. Imperfection calls for reform; therefore some well-defined ideas of how things might be done differently should find a place in the printed appeal to electors. Its author should not lose sight of the fact that strictly local interests and local affairs are those in which the constituency will display most concern. A candidate therefore, after his opening paragraph of introduction, might refer to the financial affairs of the locality, and indicate his views on the existing rate expenditure, either in justification or criticism, according to the line he is adopting. Having made his attack or defence on the question of rating, paragraphs might follow dealing with any subjects particularly to

the front at the moment in local affairs. In a rural parish, for example, the keenest differences of opinion may rage round proposals for adopting under the powers entrusted to the Parish Meeting, a system of street lighting at the public cost. On such a topic, each candidate must take a definite side. An attitude of Mr. Yea-and-Nay in public questions, be they parochial or parliamentary, invariably lands its exponent in political disaster. Therefore, a plain statement of his opinion is the only course a candidate should adopt, unless a project is so large and so newly launched that an attitude of reserve, as the newspapers phrase it, is likely to commend itself to open-minded electors. But hedging is not popular with voters. Nine candidates out of ten wind up their address with a few lines declaring, that if they are honoured by being returned, they will spare no effort, &c., &c., to promote the interests of the locality and to safeguard those of the ratepayers. Perhaps it is as well to conform to the custom. At any rate, it has a pleasing tone for the concluding sentences, and even if they too often do not mean much in practice, such sentiments may have the effect of leaving electors with an agreeable feeling towards him who professes them.

A word as to the manner of an address. It should be strong, but not long. Flowery phrases are out of place, and your average plain man likes plain language in the letters that are sent to him. Because that after all is, in its essence, the function of an address to electors. It should be a personal communication to each individual whose support at the polling booth is sought, indicating the views that the candidate will endeavour to put forward if he is

sent to sit upon the Council of the Parish or the District, or the county. Then, too, it should be attractive in appearance. A nicely got up address stands less chance of making early acquaintance with the fireplace. Fairly good paper may make the printer's bill a trifle bigger, but care in this direction is, like the few extra shillings involved, well expended. Very often a portrait of the candidate appears in a prominent position, and so long as it is properly reproduced, it is a good plan to advertise him in this way to electors. A portrait block is now not at all an expensive luxury, seeing that a fair sized picture can be obtained for half a sovereign. The style of printing repays attention, as a great difference in effectiveness may be made by proper arrangement of margins, the use of various sized type to emphasise important passages, and other similar details. When an address is not prepared until the last moment, it means that the printing must be hurried and that proper attention cannot be given to the proofs. The words of wisdom should therefore be penned quite early in the contest, so at any rate as to be ready to go to the printer at any time desired. Sometimes there is a hope that by delaying the issue an opportunity may be got of capping the other side's address or of meeting criticism. Occasionally this may be so, but it is not worth undue delay, and it must be remembered that the first word counts for much with electors, indeed it is often true to say that the early candidate catches the voter.

The method of circulating his address is an important point for a candidate. In small areas, delivery by hand is often adopted on the score of economy. As a rule, how-

ever, the apparent saving is really an extravagance, because, while the actual outlay may be slightly reduced, there is in the first place much less certainty of accuracy and in the second place, less attention is paid by many voters to a hand delivered circular. His Majesty's post is, without doubt, the best means of circulation. Great care should be taken in addressing communications to voters. In a metropolitan constituency recently, electors were surprised to receive letters addressed to them, exactly as their names appeared in the list of voters, without the ordinary appendage of the courtesy title of Mr., Esquire, Mrs., or Miss. Needless to say many persons so addressed took offence, and did not vote as they were requested.

Whatever method is adopted, a set of envelopes must be prepared. Addresses will be taken from the register of voters, and the sooner this work is completed the better. Political organisations or a ratepayers' association usually keep in stock a complete set of such envelopes ready addressed, in view of a contest, and this course saves a rush at the election period. In all cases where a declaration return of election expenses is required to be made, envelopes so provided must be included at a fair valuation to pay for labour and material. A detail which is often overlooked, but which in practice causes delay and inconvenience, is having envelopes of an unsuitable size. When many hundred election addresses have to be folded and put into envelopes, it is important that they should be capable of being slipped easily into place, and it is therefore better to have the stationery a

size too large, than as it often turns out to be, one or two sizes too small.

WORKERS.

Nine elections out of ten in which a fighting victory is gained are won by the efforts of voluntary workers, since success at the poll invariably inclines towards the side with the best army of trained helpers. The candidate may be a host in himself, but no matter how great is his ability or his energy if workers are scarce, or inefficient, or apathetic, his name stands a poor chance of coming out in the place every right-minded candidate wants it to be—on top of the list.

One of his first thoughts in the contest therefore must be, to gather round him a willing band of capable helpers. The nominee of an active organisation gets a good start in this way, because there are pretty certain to be a fair number of members who take an interest in the election, some of whom, at least, will convert professions into actual work to secure the return of the man they support. On the other hand, municipal candidates very often find they get a great deal of sympathy but uncommonly little help from those who might be expected to put their shoulders to the wheel, and it frequently depends upon a candidate's personal efforts to secure the help without which success is, if not hopeless, at least uncomfortably improbable.

Now no one can give a recipe which is worth anything for enlisting workers during an election. Fee or reward is forbidden, otherwise rich men could simply pay for

what they want, and get it to the disadvantage of their poorer rivals. All candidates stand upon the same level. They must trust to arousing enthusiasm for the cause they advocate, or discontent with that which they oppose, and as a motive power, either of these is good, but a combination of the two is better, nor is such combination in any way impracticable to arrive at. The man who stands for reform may warm his friends into eagerness that the gospel he preaches shall prevail, while he may also arouse anxiety to end the administration he condemns. This will help him along, but there is something else which will do a great deal more, and that is, the gift of awakening personal enthusiasm. Your candidate may be a polished orator. His speeches may bristle with epigrams or sparkle with humour. He may be able to analyse to demolition the case of his opponents, but if he lacks the sympathetic nature which alone attracts a strong personal following, all his intellectual attainments will count for little with the crowd. An accomplished politician, in short, is sometimes a deplorably bad candidate.

The capacity for engendering personal feelings of friendship is worth a cartload of pure intellectual power in popular elections. As soon as a contest is in sight, the man who means to win the election should start to gather his workers round him. In an informal way, he can discuss the topics which are likely to be prominent, and before the fight actually begins he should get together a meeting of those who have promised to labour on his behalf. It is quite likely that some of his friends, never

having taken an interest in local affairs or political contests, may be in cheerful ignorance, not only of the questions which will be at issue in the election, but also of the duties they have undertaken to perform. A preliminary meeting of workers therefore has a double object. First, the policy of the candidate should be discussed and explained, and secondly, some practical information should be imparted about the way to assist his candidature. With the question of policy we are not here concerned. But a few words about instructing workers in their duties may not be amiss.

WORKERS AND CANVASSING.

The first and great duty of workers in every contested election is to carry out the canvass. Many people object to political canvassing, and it has even been proposed that it should be abolished by law, on the ground that it is a veiled form of intimidation, and contrary to the spirit of the Ballot Act, which enjoins electoral secrecy in all contests for all voters. In theory, it is quite true that the free and independent elector should be consumed with a burning zeal to familiarise himself—and, in municipal matters herself—with the questions at issue. In practice, as everyone knows, things turn out differently, and the consequence is that canvassing flourishes abundantly whenever an election is going forward. Women, it has been asserted make the best canvassers, because they have more imagination than men enjoy. The compliment sounds somewhat of the doubtful order, but the persuasive powers of the sex should certainly

be enlisted in as large a measure as possible, although it is eminently desirable that lady workers should condescend to attend the suggested meeting when the objects and practice of canvassing are discussed. Occasionally, volunteers are enrolled to write up the cards necessary for the canvass, although usually that work is performed by the paid clerks, or the cards are supplied ready filled in by the local political organisation.

Particulars are obtained from the printed register of voters, and the full name, address, and register number must be written on each card. Where a marked register is available—as to which *see* page 57—removals will have been more or less completely noted up, so that the cards can be filled in correctly in the first instance, but where the only source of inspiration is the printed register, as issued by the authorities and not edited or revised by constant attention from officials of some permanent organisation, canvassers who take out the cards will probably find a considerable number of removals, the number of which will vary according to the constituency and to the age of the register. At November elections for Borough Councils, the register being comparatively fresh, the number of removals should be correspondingly small, but each week means an increase, especially in industrial districts where voters move much too frequently to please those whose business it is to try to trace their movements.

THE CANVASS.

At the meeting of workers, it should be first explained that the canvass cards will be issued arranged in street order. Subject to that provision which is essential in a systematic canvass of an urban constituency, at any rate, workers must be impressed with the fact that they should canvass people whom they know. A visit from some unknown emissary of a candidate, who also is possibly unknown to the voter, does good certainly if the visitor is discreet and properly equipped for the work. But infinitely better is a call from some one with whom the voter is acquainted and to whom therefore he is much more likely to listen. Mr. Punch's saying: "He's a stranger; heave half a brick at him" is a witticism with more than a grain of wisdom, particularly in its application to truly rural voters. Villagers are suspicious of new folk, and the best intentioned efforts of a newly arrived and unknown canvasser at their cottage doors are more likely than not to prove love's labour lost. In canvassing therefore, as far as possible, cards should be distributed to persons known in the neighbourhood it is their duty to investigate. The ideal canvasser is one, who living amongst his voters, has been in constant touch with each one of them for weeks, or months, or years. Ideal canvassers, however, do not grow on every gooseberry bush, and their aid can really only be secured for municipal purposes when the candidate has an exceedingly well organised political association at his back. The man who is fighting without any such aid

has to raise his own army—and as he has recourse only to voluntary enlistment, his task is not always strewn with roses all the way. There is no good in concealing the fact that election canvassing is not a particularly pleasant job. Rudeness and rebuffs must sometimes be endured, though they do not come most often from working class electors, not a few of whom consider that if their vote is worth having it is worth asking for. Even so, however, the process is not always exactly successful. A candidate for Parliament relates how, in the course of a personal canvass, he came upon a working man of mature middle age who boasted that he had never yet voted. After a long and earnest conversation he was got to see the error of his ways, and to promise to show his interest in the affairs of the nation by registering his vote, and when election day came the candidate was pleased to meet his convert emerging from the polling station with all the pride of the Englishman who had done his duty. With outstretched hand he went to thank his friend for remembrance of the previous promise, only to be met with the cheering response—"Oh yes, mister, I voted right enough, but I voted for t'other chap to start." Canvassing indeed has its ups and downs, and it can hardly be classed as a popular amusement among even minor politicians. Yet it is perhaps the most important branch of electioneering work, and a candidate who finds his friends reluctant to go round "touting for votes," might diplomatically point out that this is an incorrect view of the functions of a canvasser, whose real duty it is to act as the representative of the candidate in visiting voters. There is, indeed,

a quaint notion abroad that anyone can canvass. It would be as true to say that everyone can sing. Everyone who is not dumb can make a noise with the mouth. So with canvassing. Certainly, anyone can stand on a doorstep, pull the bell and demand whether Mr. Smith is going to vote for Mr. Jones. Only that does not happen to be canvassing any more than caterwauling resembles the art of song, and a candidate who has to organise his own band of workers may just as well start by pointing out this fact, which is so obvious as to be frequently ignored.

The Canvassers, it has been said, are the representatives of the candidate, who is therefore responsible for sins of omission or commission on their part which would bring him under the pains and penalties of the Corrupt and Illegal Practices Acts. The commandments, which are set out elsewhere, are comparatively simple, and every candidate, having first mastered the provisions himself, should impart his knowledge in clear language to those whom he purposes to send out on his behalf. This act of prudence may be of the first importance in case some trivial lapse from the paths of electoral virtue takes place, as by sections 19 and 20 of the Act of 1884, the Court, under certain circumstances, may grant relief.

Section 19 run as follows :—

RELIEF FOR ILLEGAL PRACTICES.

On Trial of Election Petition.

Where, upon the trial of an election petition respecting a municipal election, the election court reports that a candidate at such election has been guilty by his agents of the offence of treating and undue influence, and illegal practice, or of any of such offences, in reference

to such election, and the election court further report that the candidate has proved to the court—

(*a.*] That no corrupt or illegal practice was committed at such election by the candidate or with his knowledge or consent, and the offences mentioned in the said report were committed without the sanction or connivance of such candidate; and

(*b.*] That all reasonable means for preventing the commission of corrupt and illegal practices at such election were taken by and on behalf of the candidate; and

(*c.*] That the offences mentioned in the said report were of a trivial, unimportant, and limited character; and

(*d.*] That in all other respects the election was free from any corrupt or illegal practice on the part of such candidate and of his agents;

then the election of such candidate shall not, by reason of the offences mentioned in such report, be void, nor shall the candidate be subject to any incapacity under this Act.

This section, it should be observed, becomes operative only in the case of an election petition coming before the Court. Its effect is to give the Court power to exonerate a candidate from the penalties to which he would otherwise be liable, if he is able to prove that he has himself taken every reasonable step to prevent breaches of the law. Section 20 deals with relief for inadvertent breaches of the law. (*See* page 132.)

It behoves him on this account to be careful in his choice of those to whom he gives such authority. So far from this attitude decreasing the number of willing workers, it will usually prove rather an incentive, because it shows the importance of the work that is being undertaken. Acceptance of help in the way of canvassing from strangers is not without risk, as a person maliciously disposed may naturally work considerable harm to the side which is unfortunate enough to get his "help."

Instances have occurred, for example, of an adversary being allowed to sally forth as a canvasser on behalf of the side which it is his desire to see defeated. Such an one may either mark the cards of his own evil imagination, so as to deceive those who have foolishly entrusted them to him, or by visiting the voters, using the candidate's name and making himself thoroughly unpleasant, he may do anything in the world except secure their vote and interest in the direction he is supposed to be working to support. Dirty tricks of this kind are not, of course, common, but they must be guarded against by issuing canvass cards only to persons who have some kind of credentials. The name and address of every canvasser should be recorded at the Committee Room, and not even a single card should be issued to any one without this information being written down. The person in charge of each Committee Room should always know exactly in whose possession are the canvass cards, and without careful record this is impossible.

WHAT CANVASSERS SHOULD KNOW.

Next to an elementary knowledge of the legal "don'ts" applicable to elections, some idea of the questions at issue in the contest may be classed as desirable. Too many canvassers go out imbued with the notion of getting electors "to vote the ticket," that is, to go to the poll in support of a man simply because he is on a particular side. In Parliamentary elections this feeling is tolerably strong, because most electors have more or less made up their political minds before the canvassing spur is

applied, but in municipal elections there is far more independence of party, and a canvasser who is going to win votes must be prepared to show reason for the faith that is in his, or her, soul. A large proportion of the electorate may very possibly not take sufficient interest in local administration to intend to vote at all. The canvasser's first duty in such cases is to point out the importance of recording the vote a generous country has entrusted to the elector, and, having achieved so much, to prove the advantage of recording it for the candidate whose cause he is supporting.

SOME PRACTICAL HINTS.

Some practical hints on the methods to be adopted may be added in the little homily which, we suggest, should be delivered by a candidate to his workers. The canvass card itself contains instructions which, however, should be amplified at the workers' meeting. Some novices are rather apt to imagine they should leave the card as a memento of a—more or less—agreeable visit, but this pleasing delusion should be shattered at the earliest possible moment by the candidate's explanation that cards must always be returned to the Committee Room of issue within 24 hours. To this end no canvasser should be entrusted at one time with too many cards. Thirty or forty will provide enough work for at least an evening, if that work is going to be thoroughly accomplished. Besides canvass cards, the predilection of canvassers for leaving something with voters whom they visit may be indulged by giving them a supply of "visiting cards" bearing the name of the candidate on whose behalf they

call, and soliciting, in print, "the favour of the vote and interest" of the person called upon. Such cards form a means of introduction for the canvasser, and if kept by the voter, act as a memorizer of the visit and the date of polling, which should always be stated upon them. The visiting card can be left whether the voter is seen or not, but every canvasser should be urged not to rest content without securing a personal interview, even if this involves several visits. A loving wife, anxious no doubt to spare her spouse the worry of a caller, may assure the canvasser "it will be all right"; but while grateful for such small mercies, a competent worker will ascertain the home hours of the elector and persist in getting face to face with the individual whose vote it is desired to secure.

Canvassing, therefore, is generally best accomplished in the evening. But the mistake must not be made of prolonging the process so far into the night watches as to disturb electors in what are, doubtless, their well-earned slumbers. Hours vary, but there are many industrial districts where operations should be suspended not later than nine o'clock. Electors have a rooted dislike to be turned out of bed for the discussion of political problems, and under such circumstances the views they express are apt to be terse and strong. Canvassers may be supplied with literature bearing upon the election, but they should be urged to distribute it with some discrimination, as there is often a tendency to throw leaflets about much too lavishly. One or two leaflets judiciously chosen may do a lot of good, after a conversation upon the topics at issue, but the wholesale scattering of election pamphlets

which sometimes goes on is sheer waste and benefits nobody outside the printing trade.

MARKING THE CANVASS CARDS.

A word or two as to the marking of canvass cards will not come amiss to many workers, upon whom is cast the duty of classifying voters whom they visit into those "for," those "against," and those "doubtful." The average elector when he is canvassed, unless he has been canvassed too much and is sick of the process, prefers to give an answer which he thinks will be agreeable to his questioner, but sometimes it is polite without being definite. Here comes in the exercise of that diplomatic talent without which no canvasser is perfect. A voter must not be badgered, but every effort should be made to get a plain promise of his vote if he is favourable to the candidate. Agreement, it should be urged, is not sufficient, and unless those who agree promise to vote, and carry out their promise, the candidate they favour cannot win success. Only when such a definite promise has been secured is a canvasser entitled to tick off the voter as "for." Anything less should lead to his being catalogued in the "doubtful" division for further inquiry. Canvassers must repress the natural optimism they may possess unless they are content to do a mischief to their side by contributing to an untrustworthy canvass, which is something very much worse than useless.

REMOVALS.

In the course of the canvass a number of removals are sure to be encountered, and one of the chief duties of canvassers is to get the new addresses of those who have changed their abode. If a new occupier cannot give the information, it may often be obtained from neighbours, and it should be carefully written down upon the card which should then be endorsed "removal." In municipal elections, occupation voters who have gone any distance away from the district can rarely be prevailed upon to take the trouble or incur the expense of coming to vote, since any interest they may have felt in its affairs is extinguished by their removal into a district under another authority and with its own rates. But where the removal is only from one portion of the constituency to another, an effort should be made to secure a vote in the district in which the elector has still the interest of his purse. In a borough, for instance, a voter who has moved from one ward to another has just the same incentive to vote for the side he supports in his old ward, and the same attention should be paid to him as if he had not migrated.

Canvassers can also do good work by noting down statements as to the death or illness, or absence of voters, so that those in charge can take steps to prevent personation on polling day. In regard to conveyances, too, while a canvasser should not be too lavish in his promises to send vehicles for voters, where from considerations of health or distance such a course is desirable, particulars of time and place should be carefully noted

on the card. Frequently votes may be secured of those who are engaged at a distance on polling day by a previous interview, and arrangement to send a conveyance for the voter during his dinner interval or at some other convenient time.

HANDING IN CANVASS CARDS.

It has already been said that cards should not be kept in the possession of a canvasser for more than 24 hours without being handed in at the Committee Room whence they came. A capable organizer requires to know exactly how he stands as regards the canvass, and this can only be ascertained by a periodical examination of results. Canvassers should be urged therefore not to retain cards unnecessarily, and to attend personally when returning them in order that those in charge may be enabled to check with them the work done, before the register is marked up. Too often the "remarks" upon cards are indefinite, and a little judicious questioning of the canvasser is desirable. Where any uncertainty exists it is safer at once to file the card amongst doubtfuls, to ensure a second visit to the voter. Where cards are not returned after a proper interval, the canvasser should be at once communicated with.

REFRESHMENTS FOR WORKERS.

Candidates often have a natural desire to offer hospitality in the way of refreshments to those who have worked hard, perhaps at great personal inconvenience to assist them. There must be nothing, however, in the

way of a return or compensation for work done, because under the Act that would amount to employment for payment, and would be illegal.

PRINTING AND ADVERTISING.

In every election the proportion of the cost of printing and advertising to the total expenses incurred is very large, although in most municipal elections the bill can easily be kept within moderate limits. At the outset the printing which must be provided for is:—

(*a*) Address to electors.

(*b*) Placards and posters.

(*c*) Polling cards.

Anything else which is required, such as statutory forms, or general municipal literature, can generally be procured more cheaply and better through some central organisation —whether political or municipal. As regards the printing to be done locally, preliminary estimates should in every case be secured. If a candidate with a limited scale of expenditure starts giving out orders right and left without ascertaining exactly to what outlay he is committing himself, he will assuredly be in a tight corner when the day of reckoning comes.

It must not be forgotten that every bill, placard and poster issued for the purposes of the election, must bear upon its face the name and address of the printer and publisher. Failure to comply with this provision being an illegal practice, the candidate should take care that all printed matter is carefully examined before it is issued. The usual formula is:—

Printed and published by ....., of ..... If the name of a publisher (*e.g.*, the candidate) is stated separately, his address must also be given, and the Statute requires the statement then to be in the form:—Printed by ..... [of] ..... and published by ..... [of] ..... .

With regard to placards and posters it should be remembered that bill-posting in large towns is an expensive luxury, in addition to the considerable cost for printing. What is known as "fly" posting is often indulged in, by which is understood the pasting of bills on blank walls or in odd corners where no advertisement station charges are exacted, but "fly" posting, without going into the question of its ethical justification, is subject to the disadvantage that an enemy may come in the night and cover the bills with other, and perhaps, rival matter.

Newspaper advertising does not enter very largely into municipal elections, on account of its expense. Candidates occasionally insert their election address in the advertisement columns of the local press, but if the document is a lengthy one the luxury is correspondingly costly. Particulars of meetings are sometimes advertised and many journals make it a practice to give better reports of such meetings than of those the announcement of which finds no place in their advertisements. Free publicity, whether of placards or of announcement of meetings, is best obtained by securing the aid of friendly electors, who are willing to exhibit bills, &c., in their windows or in front of their premises. No payment may be made for such service. (*See page* 116.)

POLLING CARDS.

The State confers upon those of its citizens who fulfil its franchise requirements a right to vote in various elections, but there its activities cease. It takes no steps to see that the right is exercised, nor does it trouble itself to give electors much information about the matter. The gap, however, is filled very efficiently by the energetic efforts of competing candidates, who make it their business to simplify things as much as possible, in order that they may entice voters to the poll. The process is usually commenced by announcing the date of election and the hours of polling on the address circulated to electors. But something more is needed in those contests where, as usually happens in all but ward or parochial elections, the constituency is divided into different polling districts with separate polling stations, the location of which is published by the Returning Officer. In order to let electors know not only *how* to vote, but *where* to vote, polling cards must be distributed to every one on the register. The filling in of these cards and addressing the necessary envelopes is a longish business, and the sooner they can be printed and got in readiness for circulation the better, but, except in quite a small constituency, this cannot be done until the different polling stations are fixed, when a separate set of cards, to cover the number of electors for each polling station, must be struck off by the printer. Usually the Returning Officer will inform candidates a reasonable time in advance as to the position of polling stations, and even in minor municipal elections he is bound by law to announce them not less than five

clear days before the date of election. Having ascertained the different places of polling, all that a candidate has to do is to order sufficient cards for each division. For instance, take a County Council constituency with 3,000 electors and six polling places. The printed register will show the distribution of voters under each division, and orders can be given accordingly to the printer. In contests where the Constituency is small, with only a few hundred electors, the polling station can, if desired, be filled in in writing, but this adds considerably to the labour, while it also increases the chance of mistakes. The form of polling card should be fixed upon as early as possible, in order to give time for filling in the register numbers. The card goes out as a final word to electors about two days before the poll, and some good leaflet bearing upon local municipal topics may be enclosed. Sometimes what is known as a "squib" fills the back of the polling card itself, all the instructions then appearing upon the face of the card. Where some short, sharp point can be made, this is a good plan, but care must be taken that the cards are not unduly delayed thereby. Occasionally the front of the card is first printed, and the squib on the back is done later, though not very much time can be saved in this way, as in any case the cards have to be put into their envelopes.

The following form of card may be useful as an example :—

COUNTY COUNCIL ELECTION.

(or as necessary.)

.....[name of constituency].....

Polling Day .....

From 8 a.m. to p.m.

Your Polling Place is

.....

Your number on Register is .....

Please VOTE EARLY for MR. SMITH by making a X on the Ballot Paper in the space against his name, thus—

1	JONES, John Henry	
2	SMITH, William	X

Kindly take this card with you; go to the Polling Place above named; apply for a Ballot Paper.

Do not sign your name or put any other mark than a X, or your vote will not be counted.

If you spoil a Ballot Paper, ask for another.

After marking the Ballot Paper, please put it into the Ballot Box. As you leave after voting kindly give this card to Mr. Smith's worker outside the polling station, to prevent canvassers calling to know whether you have yet voted. This will not show how you have voted, and *you need not tell anyone how you have voted.*

Printed and published by (*Name and address*).

Where for any reason polling cards are delayed in delivery, the best plan is to get a set of envelopes ready in advance. The names and addresses must be copied from the register, and in one corner of each envelope the register number of the elector should be carefully written. Then, as soon as the cards come in, it is easy to fill in the number on each card before putting it into its cover. Accuracy in this work is of the utmost importance, and precaution must be taken not to mix up the different polling stations in arranging the cards for their envelopes.

As regards the "squib" above referred to, it must of course be understood that nothing in the nature of a personal attack upon an opponent should be circulated. Personalities of all kinds are better avoided in all elections. The purpose of a "squib" is to drive home some important point, or possibly to bring forward a fresh one. As it accompanies an appeal for support of one candidate, it is legitimate to give an accurate account of any vote given by the opposing candidate when a member of the Council, or to show a correct record of his attendances on the Council or Committees, if he has proved himself slack in that respect. It is unnecessary to say that the most precise accuracy must be observed in any such statements, as a mistake might be a very serious matter for the candidate who was guilty of it.

On the form it will be observed the latest time for polling has not been filled in. A certain discretion is left to the local authorities as to the hour for closing the poll in elections other than those for County Councils, where the hours are fixed by law at 8 a.m. to 8 p.m. In

other municipal elections the Returning Officer will give information as to the hour of closing the poll, which must in no case be earlier than 8 p.m.

The polling card contains a request to the elector to hand it after voting to a worker of the candidate. The object of the request is stated upon the card, but some voters have a rooted objection to enter into any communication with anyone about the vote they have given. Where an election is being keenly fought it is important that those who are in charge of each committee room should know how the voting is progressing, in order that they may direct the energy of canvassers to secure the votes of those who have not already recorded them. When electors mention their register number, or give the card to a worker, the information is sent down from time to time to the Committee Room where, as described on page 92, the names are marked off as having voted. Sometimes an arrangement is come to between the representatives of each side at polling stations to exchange information on this head, and if it is loyally carried out the plan is a good one.

NOMINATION.

Nomination in writing, by electors of the constituency, is an essential part of candidature for membership of all municipal bodies. The form the nomination paper must take is laid down by law, and it must be precisely adhered to. In order to avoid difficulties in this direction, it is provided that forms of nomination papers may be obtained free of charge from the Returning Officer, or

his deputy. Thus, in Parish Council, Rural District Council, and Guardians' elections the Clerk to the Guardians of the Poor Law Union is the Returning Officer, and he is bound to provide nomination papers, and also to furnish the overseers of each constituent parish with a supply thereof, to be delivered free of charge to any parochial elector who applies.

In urban areas the Clerk of the Urban District Council is the Returning Officer, and supplies nomination papers. In Town Council elections for a whole borough the Mayor is the Returning Officer, and nomination papers are supplied by the Town Clerk.

In County Council elections the Returning Officer is such person as the Council appoints, and nomination papers may be obtained from the officer acting in each division.

The details of requisite formalities vary according to the particular municipal council with which the election is concerned. Very full "Rules for conducting the election of Councillors" have been issued by the Local Government Board in respect of

Parish Councils,
Rural District Councils,
Urban District Councils,
Boards of Guardians,

and all necessary information can be obtained from the Overseers in each parish, who are charged with the duty of giving proper public notice of the election.

In boroughs the Town Clerk is the person to apply to, while information as to County Council contests can

be procured from the appointed officer who, outside boroughs, is usually the Clerk of the District Council, while in borough constituencies the Town Clerk should be applied to.

Generally, the points to which a candidate should give particular attention, are to ascertain the date before which nomination papers must be deposited; to see that his nomination paper states correctly his surname and other names in full, his place of abode (*i.e.*, his residence, *not* his place of business), and his description, by which is meant his rank or occupation. Another point to be borne in mind is that the electors who nominate him (that is, his proposer or seconder, and in County Council and Town Council elections the eight assenting electors in addition) are entitled only to sign as many nomination papers as there are vacancies to be filled in the district or division to which the candidature has reference. Therefore, as well as ascertaining by reference to the printed register, that those whose names appear upon his nomination paper are in fact electors in the particular constituency he is seeking to represent, a candidate should make sure that they have not already exhausted their power to nominate.

The Returning Officer decides upon the validity of nomination papers in all municipal elections, save those for a Parish Council, where the duty is cast upon the Chairman of the Parish Meeting. In all cases the decision, if in favour of the nomination, is final. If a nomination is rejected as invalid, the question may be raised on the trial of an election petition. The juris-

diction of the Returning Officer extends only to invalidity appearing on the face of the nomination paper, such as insufficient or inaccurate descriptions of the Candidate, or non-compliance with legal requirements as, for example that a person, having signed the nomination, has already previously nominated as many candidates as there are vacancies, or that such person is not a registered elector in the constituency. There is no power in the Returning Officer to decide an objection upon the qualification of a candidate.

POLLING DAY.

With the dawn of polling day we come to the last step in the contest, and while, only too often, the general public pay scant attention to the casting of votes in a municipal election, the day is big with importance for candidates and workers. It begins early. Seven-thirty should find every one in his place at each Committee Room, so that when the poll opens at 8 o'clock there may be no rush or confusion. The previous evening should have been occupied in preparing the wall sheet for each Committee Room, as by then all canvass returns should be safely in. Two copies of the register for the ward or polling district within the jurisdiction of the particular Committee Room are requisite, so that the complete list may be posted up on a big sheet of mill board. Either before or after being so mounted, it is necessary to mark up friends by ticking their names in coloured pencil to distinguish them from foes, in order that attention may be devoted to laggards who will vote right if only they will take

the trouble of getting themselves to the poll. The collectors of polling cards must be set to work at the opening of the poll, and every half hour a messenger should be despatched to the committee room with a record of those who have voted, in order that their names may be crossed through upon the wall sheet. In this way those in charge of the committee room are able to gauge how the day is going so far as their own district is concerned, and what is even more important, they are able to direct the efforts of their canvassers towards securing the votes of those supporters who are still unpolled. For all these purposes the wall sheet should be a trustworthy guide. Unless care is taken canvassers' efforts are very likely to be wasted on polling day. Their duty then, it must be remembered, differs somewhat from the preceding canvass. Then it was their part to exhort and persuade doubtful or hesitating voters . On polling day, if ideal conditions could be observed, the canvasser who had won the promise of support should look in to spur the voter to the poll. "Promises" should receive first attention, and those whose decision has been less definite can then be visited. But whether or not the original canvasser can go—which is far better—only one canvasser should go at a time. This advice may seem superfluous, but it often happens and particularly in the rush and scramble of the last couple of hours, that two, or perhaps three people are sent in search of the same voter. He is not pleased at the superfluity of attention — neither are the canvassers. Cards should therefore be handed in as promptly as possible after voters have been visited, marked as a

guide to the clerk in charge of the Committee Room. Probably many of the replies will be—"Will vote later," —and then the card has to be filed for subsequent reference, and an eye kept upon the wall sheet to see whether these promises are being fulfilled.

The proper organisation of conveyances is another matter that needs careful attention.

CONVEYANCES.

No payment must be made for the expenses of electors coming to vote, but the law still permits private conveyances freely lent to be used to bring them to the poll. A candidate with friends who give him the use of an ample supply of carriages on polling day, thus enjoys a decided advantage, as many voters undoubtedly appreciate a free drive—particularly in a motor car, which possesses not only the attraction of speed, but also the charm of novelty in most country districts. When a contest is drawing near, therefore, an intending candidate should bespeak the services of all the vehicles he can muster, and the earlier he does so the more likely he is to be rewarded with a goodly array of carriages when polling day comes.

If possible, he should get some capable worker in each district to manage this department, as unless one person is responsible, coachmen and chauffeurs get sent aimlessly about, and half the benefit is frittered away in utterly worthless trips. In the first place a list should have been compiled from the canvass cards, of voters who have asked to be fetched, and if the particulars are arranged in chronological order, that part of the work may very

easily be accomplished. Some workers seem to consider that carriages and motors are lent in order that they may spend a happy day driving about during the poll. Gently but firmly they must be disabused of this idea, and while a good worker put in charge of a vehicle with a plain programme of voters to fetch or look up is very usefully employed, the mere tripper propensity exhibited by some must be discouraged. Again, too much is often expected of both coachmen and horses. They cannot be kept on the go all day, and they should be released for rest and refreshment at proper intervals. Carriages of all kinds are most wanted between 12 and 2, when voters have their dinner interval, and again from five until the close of polling. A good organiser will see to it that he has the best supply of vehicles between those hours, and he will make proper arrangements between times for freeing men and animals to get the rest they need.

Placards should never be pasted upon conveyances, as this damages a varnished surface. It is easy enough to attach a card in front or at the back to denote the side for which the carriage is working, and usually the owners make a brave show with party coloured ribbons, though the candidate or his agents are not allowed to expend any money themselves in this way, as they would thereby incur the penalties accruing to payment for "marks of distinction."—see page 126. No conveyance which is used for letting out on hire (such as a cab, or a fly in use at a livery stable), may be employed for taking voters to or from the poll. As to this see page 122.

POLLING AGENTS.

A Polling Agent or officer to prevent the offence of personation may be, and in more important contests usually is, appointed to represent the candidate at each polling station. Payment is permissible. In minor contests, where there are several candidates, the law limits the number and one Polling Agent acts for more than one Candidate at each polling station, officiating for them in common. The Polling Agent is entitled to see that no voter is improperly interfered with, and he has the right to insist upon the statutory questions being put by the Presiding Officer to any person whom he suspects is attempting to commit the offence of Personation, as to which, *see page* 113.

The questions are:—

(1) Are you the person enrolled in the burgess [*or ward*] roll [*or county register*] now in force for this borough [*or ward, or county*] as follows [*read the whole entry from the roll*].

(2) Have you already voted at the present election? [*Add, in the case of an election for several wards,* "in this or any other ward," *or in a county,* "in this or any other electoral division?"]

Obviously, some one who knows the polling district and has some wide acquaintance with the voters there, should be appointed for these duties. He should be judicious too, as a hasty, impulsive man might very probably get into difficulties with other officials, and by unnecessarily harassing voters, do a great deal of harm to his side.

COUNTING AGENTS.

Finally, for duty at the counting of the votes, Agents may be appointed to see that the provisions of the Ballot Act are complied with, and that votes, as to the validity of which there is a doubt, are brought for the decision of the Returning Officer. Ballot Papers are made up in packets containing fifty each, and examination should be made that no mistake occurs, as has sometimes happened, by reason of the topmost paper not corresponding with those beneath.

With the conclusion of the counting, the battle is lost or won. A vote of thanks is proposed to the Returning Officer by the senior of the successful Candidates, if there is more than one, and seconded by the one amongst the unsuccessful who has come nearest to selection—or election.

Afterwards all that remains to be done is to pay the bills incurred "in the conduct or management of the election," taking care that no prohibited payment is made, and that all payments, in an election for a County Council or a Town Council, are made within the period of 21 days required by law. In these elections the Return of Expenses and the Candidate's Declaration must be lodged at the time specified, whilst in all cases a declaration of acceptance of office must also be made in the following terms :—

I, A. B., having been elected [Councillor for the borough of ....., *or as the case may be*], hereby declare that I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability.

The period after election within which this declaration must be made varies as follows :—

(1) Municipal Borough Councillor—within five days after notice of election.

(2) Parish Councillor—at first meeting after election.

(3) District Councillors and Guardians—may not act until they have made declarations.

(4) County Councillor—within three months of notice of election.

THE LAW ABOUT MUNICIPAL ELECTIONS.

SYNOPSIS.

No Election Agent.—Skilled Clerk may be employed.—Code under Municipal Elections Act, 1884.

Agency.—Who is an agent.

Corrupt Practices.—(1) Bribery.—(2) Treating.—(3) Undue Influence.—(4) Personation.—(5) False Declaration of Election Expenses.

Illegal Practices.—(A) *Avoiding election if committed by any agent of a candidate.*

(1) Payment for conveyance of voters.

(2) Payment for exhibiting bills or notices.

(3) Payment for excessive Committee Rooms.

(4) Payment in excess of maximum allowed (Town and County Councils).

(B) *Avoiding election if committed with knowledge and consent of candidate.*

(5) Voting by prohibited persons.

(6) Publishing false statement of withdrawal of candidate.

(7) Illegal payment.

(8) Making use of prohibited conveyances.

(9) Corruptly procuring withdrawal of a candidate.

(10) Illegal employment for payment.

(11) Payment for marks of distinction.

(12) Omitting name and address of printer and publisher of bills.

(13) Using prohibited premises for committee rooms or meetings.

Avoidance of election for extensive prevalence of Illegal Practices by whomsoever committed.

Relief for innocent breaches of law.

Time for sending in claims and making payments.

Summary of periods specified.

Form of declaration of election expenses.

N.B.—Sections from the Municipal Elections (Corrupt and Illegal Practices) Act, 1884 [47 & 48 Vict. c. 70] and incorporated enactments are in this chapter reproduced in small type for the information of candidates and workers who may require to have before them the exact words of the Statutes defining practices prohibited, &c.

In applying the Act to elections other than elections for Town Councils :—

Borough is to be read as "*County*" for County Council elections.

Borough is to be read as "*Urban District*" for Urban District Council elections.

Borough is to be read as "*Parish or United Parishes*" for Rural District Council and Guardians elections.

Borough is to be read as "*Parish*" for Parish Council elections.

Ward is to be read as "*Electoral Division*" in County Council elections.

In Parliamentary elections the Legislature in its wisdom insists upon the appointment of some person who is to be responsible as Election Agent. It is true that the legal requirements are complied with if the person appointed pays all election expenses, and personally carries through certain business arrangements in connection with a Parliamentary Election, such as the hire of committee rooms and the employment of clerks and messengers. All the law cares for in the matter is that some responsible person shall be publicly named through whose hands payments on account of the election shall pass, and for whose faults or misdeeds, if any, the candidate for Parliament must answer practically as his own. But elections are hedged round by so many Acts of Parliament, and so much technical knowledge is necessary in carrying them through, that persons who are experts in election law are nearly always appointed to act as Election Agents in Parliamentary contests.

In Municipal elections the position is different. Restrictions as regards County Council elections and in a lesser degree in other municipal contests are nearly as stringent, but no provision is made for the employment by a candidate of a responsible Election Agent. Indeed, seeing that the only persons he may employ for payment are the specified numbers of clerks and messengers, and one polling agent in each polling station, a County Council candidate is really prohibited from securing the paid services of a skilled Election Agent. At any rate he must not so call him. In practice what is done is to engage under the name of clerk, someone who has practical experience of election work, and who, therefore, can be trusted to take some part of the responsibility from the shoulders of the candidate. The remuneration to be given can hardly be large, having regard to the limits laid down in County and Town Council elections for maximum expenses. The fee for a skilled clerk who can be trusted to keep the candidate on safe lines as well as to assist him in electioneering work must bear some relation to the size of the constituency and the maximum (if any) fixed for expenses. In a County Council contest it would probably range from £15 15s. upwards. If he can secure it, a candidate is of course entitled to the *unpaid* assistance of a professional political agent of experience. Where such assistance is used, or where responsible duties in the management of an election are left to a clerk, a return of all expenses incurred by him must be made to the candidate *within* 23 *days* after the date of election. In Parish and District Council contests, as also, curiously enough in

elections to London Borough Councils, no limit is set to expenditure, although as in County Council elections the only persons who may be employed for payment are clerks, messengers, and polling agents. A simple statement of the law by which municipal candidates may guide their conduct is therefore particularly important as many such candidates cannot hope to command the services of legal experts for the contest.

By the Municipal Elections (Corrupt and Illegal Practices) Act, 1884, Parliament has laid down a special code of morals applicable to these elections. In using the expression "morals," it must be confessed at once that the Parliamentary table of electoral commandments travels outside the strict province of ethics. It does so in this wise. Offences against the code are of two classes. First we have what the law calls *Corrupt Practices*, and these are easily to be understood, as they are actions done with the intent to commit a wrong. An evil motive enters into them which at least prevents them from being perpetrated inadvertently. Under this head fall Bribery, Treating, Undue Influence, Personation and False Declaration of Election Expenses. The second class of prohibitions laid down by Parliament is where the Legislature has travelled, at any rate in some respects, beyond the average man's moral code of conduct. In what the law terms *Illegal Practices* we have a list of actions that have been well described as "things which the Legislature is determined to prevent, whether done honestly or dishonestly." That is to say, a good conscience will not help a man in this matter. Certain things, the law declares, must not

be done in or about an election, and for his own safety a candidate must constantly bear those things in mind. In short, he is bound to learn the law in order to distinguish good from evil. This is the more necessary because more often than not candidates must be their own lawyers for the election, despite the warning adage which couples self-advising clients with fools. Happily, the legal difficulties are not very intricate, and with some knowledge and a little care, the contest may be passed without much danger of transgressions, with their accompanying heavy penalties.

AGENCY.

Before the details of these electoral commandments are dealt with, it will be best to clear up one preliminary point wherein lurks, perhaps, more difficulty than in all the rest. We have said no election agent, as such, can be employed. Now it is important to remember that the expression "election agent" is a technical one, used in an Act of Parliament and having reference simply and solely to a person upon whom responsible duties are cast in Parliamentary contests. In every election there are agents—agents of the candidate who, while their desire is only to help him, may by wrong doing, or carelessness, or even ignorance, work him irreparable injury. This sounds alarming, perhaps, but the importance of agency in elections is so overwhelming that too much attention cannot be paid to this point by intending candidates.

Naturally, it will be asked, Who is an agent? The question is one more easily asked than answered, but a

candidate will not go very far wrong in this direction if he gets firmly into his mind that everyone who, with his sanction, takes an active part in forwarding his election, is an agent for whose deeds, be they good or be they evil, the candidate is responsible. The law lays down no hard and fast line. It decides each case on the facts proved, and circumstances alter cases, even legal ones. And, be it noted, payment has nothing to do with the matter. In most municipal elections a candidate is only permitted to employ for payment a certain number of persons in certain capacities. Those persons may, or may not, be "agents" for him in a wider sense. A youth taken on as a messenger, would hardly be considered on that account to have the candidate's authority to carry out more responsible duties in connection with a contest. But if the paid messenger should busy himself about matters outside the ordinary province of his employment, and the candidate had knowledge of his doings, it might very well be held that he was an authorised agent, for whose acts the candidate would be answerable. Canvassing is evidence of agency, and so is any active work to promote the election of a particular candidate.

But it may be said: "Why all this talk about agency. How does agency affect the matter?" The answer is that it affects everything in an election. A candidate is just as responsible for many things his agents may do as if he did them himself. Of course, for what is done with his knowledge and consent he is entirely responsible, and in this there is no hardship. If one man tells another to smash a window, we do not pay much atten-

tion to a plea that his was not the hand that did the mischief. That is the most ordinary rule of law in every-day life, but in election law, responsibility for the misdeeds of another is very much greater. Under ordinary circumstances a person who employs or requests someone to act as his agent is not called upon to answer for offences against the law committed by the agent against his instructions. In election law, however, a candidate may quite possibly find himself in that unhappy position, so that he must not only obey the law himself, but he must do what is obviously more difficult—see that his helpers and agents are equally obedient. Almost might a candidate cry "Save me from my friends," since it is his friends who may do him most mischief. Prudence then would suggest that having determined to enter upon a municipal contest, the candidate having first instructed himself, should instruct those who are likely to give him assistance during the election. It is not at all improbable that his first difficulty will here confront him. Voluntary helpers are rather apt to resent the implication that they are lacking in knowledge, and to declare "it will be all right," when any allusion is made to legal pitfalls. A candidate should then display his strength of mind by persevering in his endeavour to get a little meeting together of his workers before the fight begins. It need not be a formal affair, and half an hour's friendly talk in a committee room ought to be enough to make things clear. The great thing to do is to drive home to every worker the fact of his personal responsibility and the heavy penalties with which even indiscretions may be visited.

CORRUPT PRACTICES.

First, with regard to corrupt practices, which, as we have already stated, present fewer difficulties, since if committed at all, they must be committed with an evil mind and with open eyes, as no man can be guilty of corruption inadvertently. The corrupt practices which avoid an election if committed by a candidate or by any agent of a candidate, are **Bribery, Treating, Undue Influence** and **Personation.**

BRIBERY.

ENACTMENTS DEFINING BRIBERY.

The Corrupt Practices Prevention Act, 1854 (17 & 18 Vict. c. 102), ss. 2, 3.

s. 2. The following persons shall be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, give, lend, or agree to give or lend, or shall offer, promise, or promise to procure or endeavour to procure, any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce any voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of such voter having voted or refrained from voting at any election.

(2.) Every person who shall, directly or indirectly, by himself, or by any other person on his behalf, give or procure, or agree to give or procure, or offer, promise, or promise to procure or endeavour to procure, any office, place, or employment to or for any voter, or to or for any person on behalf of any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting, or shall corruptly do any such act as aforesaid on account of any voter having voted or refrained from voting at any election.

(3.) Every person who shall, directly or indirectly, by himself or by any other person on his behalf, make any such gift,

loan, offer, promise, procurement, or agreement as aforesaid, to or for any person, in order to induce such person to procure or endeavour to procure the return of any person to serve in Parliament, or the vote of any voter at any election.

(4.) Every person who shall, upon or in consequence of any such gift, loan, offer, promise, procurement, or agreement, procure, or engage, promise, or endeavour to procure, the return of any person to serve in Parliament, or the vote of any voter at any election.

(5.) Every person who shall advance or pay, or cause to be paid, any money to or to the use of any other person with the intent that such money, or any part thereof, shall be expended in bribery at any election, or who shall knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery at any election: Provided always, that the aforesaid enactment shall not extend or be construed to extend to any money paid or agreed to be paid for or on account of any legal expenses *bona fide* incurred at or concerning any election.

s. 3. The following persons shall also be deemed guilty of bribery, and shall be punishable accordingly:—

(1.) Every voter who shall, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receive, agree, or contract for any money, gift, loan, or valuable consideration, office, place, or employment, for himself or for any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at any election.

(2.) Every person who shall, after any election, directly or indirectly, by himself or by any other person on his behalf, receive any money or valuable consideration on account of any person having voted or refrained from voting, or having induced any other person to vote or refrain from voting at any election.

Our friend, the man in the street, has a very fair general notion of what constitutes bribery, by which he understands the passing of money for a corrupt purpose. The legislative definition is of necessity somewhat more

lengthy and sets out between thirty and forty verbal variations of the offence. For practical purposes, we shall get near enough to an exact understanding of the matter by stating that **every person is deemed guilty of bribery who by the gift, loan, offer, or promise** of—

(1) **money,**
(2) **money's worth,**
or (3) **employment,**

to a voter, or to anyone, induces or attempts to induce any elector to vote or to refrain from voting, or who does such act subsequently on account of an elector having voted or having refrained from voting.

The receiver is condemned equally with the giver—a fact which may be usefully pointed out in case any corrupt proposals are made, while in some constituencies public advertisement of the pains and penalties attaching alike to briber and bribee is not without its uses, even in the present enlightened day.

Many people imagine that only the actual passing of a coin of the realm can be bribery. An unfulfilled promise equally constitutes the offence; and it should be particularly noticed that **an offer of employment made to influence a vote is bribery,** just as much as the gift or promise of money. The corrupt gift or promise may be made indirectly; for instance, a benefit conferred upon the wife or family of an elector with a corrupt intention is bribery, and entails its pains and penalties. The corrupt payment of rates is also bribery. Payment for time lost while voting, or payment of travelling expenses, is bribery, but by

virtue of a special Act of Parliament passed to remove doubts as to the state of the law and which, while in terms it applies only to Parliamentary Elections, covers also municipal contests, an employer may allow his men time to vote, without deduction from their pay. The privilege must be granted equally to all alike, and permission must not be given with a view of inducing men to vote for any particular candidate, nor be withheld from anyone for the purpose of preventing him from voting for any particular candidate. (Corrupt Practices Act, 1885.)

Where bribery is proved to have been so prevalent that a free election was impossible, the election is void, even although the candidates had no part or lot in the wrongdoing.

Treating.

1. (1.) Any person who corruptly by himself or by any other person, either before, during, or after an election, directly or indirectly gives or provides, or pays wholly or in part the expense of giving or providing, any meat, drink, entertainment, or provision to or for any person for the purpose of corruptly influencing that person or any other person to give or refrain from giving his vote at the election, or on account of such person or any other person having voted or refrained from voting, or being about to vote or refrain from voting at such election, shall be guilty of treating.

(2.) And every elector who corruptly accepts or takes any such meat, drink, entertainment, or provision, shall also be guilty of treating.

This is another form of corrupt practice which presents great dangers to a candidate. A single drink offered with a wrong intention may unseat him, and when we consider how readily agency may be inferred, it is clear

that very grave warning of the consequences should be brought home to every active supporter in an election. Petition after petition has been presented in Parliamentary elections on the strength of "standing drinks." As Mr. Justice WILLS remarked in one :—

> "There is inherent in a great many people with whom we have had to deal in this enquiry, the habit of giving and accepting drinks; it is as natural for them to treat and be treated, as it is to have their breakfast or their dinner, or anything else that forms part of their daily life; and to suppose that such habits would be dropped at election time is preposterous."

Yet, notwithstanding this instance of habit becoming a second nature, if drinks are given with a view of influencing votes an election is liable to be avoided. The corrupt provision of food or drink either before, during, or after an election constitutes the offence of treating. (*See above for full definition.*) The food or drink must be **given with a view of influencing votes, not necessarily of turning votes,** since, as has been well pointed out, treating is more often resorted to for confirming the zeal and increasing the interest of those who are considered to be already supporters.

It is more prudent for those who are helping a candidate to hold themselves even above suspicion. It is hardly pleasant for a man's election to depend upon the view taken by the Court, of the intention with which half a dozen drinks were stood in a public house. It may be the most innocent hospitality, but at election time it

is certainly injudicious, particularly if people accept a drink and walk across the road to tell the tale in an opponent's committee room. Innocent hospitality begins to wear the garb of guilt under such circumstances, and happy indeed the candidate who can persuade his supporters to restrain their generous instincts at any rate on occasions when they are engaged in any way in working for his cause. As in bribery, he who is treated is equally an offender before the law with him who treats.

Undue Influence.

> Every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of any force, violence, or restraint, or inflict or threaten to inflict, by himself or by any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede or prevent the free exercise of the franchise of any elector, or shall thereby compel, induce, or prevail upon any elector either to give or to refrain from giving his vote at any election, shall be guilty of undue influence.

Vague charges of undue exercise of influence are the commonest form of complaint by the losing side in an election. How many times has it not been declared that such and such a landlord, or an employer of labour, or a minister of religion has brought an unfair influence into the scale? Sometimes such charges are justified, but more often they arise from the irritation not unnaturally connected with defeat in a contest. As was pointed out by a learned judge:—

"The law cannot strike at the existence of influence. The law can no more take away from a man, who has property, or who can give employment, the insensible but powerful influence he has over those whom he can benefit by the proper use of his wealth, than the law could take away his honesty, his good feeling, his courage, his good looks, or any other qualities which give a man influence over his fellows. It is the abuse of influence with which alone the law can deal."

But Parliament does forbid as undue influence the threatening or inflicting of any injury, temporal or spiritual, "or any fraudulent contrivance to restrain the liberty of a voter, so as either to compel or frighten him into voting or abstaining from voting, otherwise than he freely wills."

The law is severe where it is proved that the freedom of even one voter has been interfered with unduly. For instance, where an employer of labour, who was a member of the candidate's committee, and canvassed for him, threatened to discharge any man who voted "wrong," the election was avoided. Clearly such conduct amounted to "undue" influence, and forfeiture of the seat ensued.

Again, it is most improper to threaten withdrawal of custom from a tradesman in consequence of his political opinions. Hot-headed partisans in some rural districts are rather apt to breathe threats of this kind, but by so doing they not only put themselves in peril of the law, but they jeopardise the election of the candidate, whose cause they fancy they are assisting. Anything of the

kind should be strenuously discouraged. At his workers' meeting, in dealing with prohibited acts, the candidate should explain clearly that the exercise of the franchise must be entirely free and unfettered.

There is another form of this offence which has to be guarded against in some constituencies, and that is the threat of spiritual consequences. A minister of religion has, and rightly has, considerable influence with his flock, nor does the law seek to prevent its legitimate exercise. But there is a point beyond which religious guidance must not go in the free exercise of the franchise. The law cannot be more clearly summed up than in the following extract from a judgement where clerical influence was the point in question :—

> "In the proper exercise of that influence on electors the priest may counsel, advise, recommend, entreat, and point out the true line of moral duty, and explain why one candidate should be preferred to another, and may, if he think fit, throw the whole weight of his character into the scale, but he may not appeal to the fears, or terrors, or superstitions of those he addresses. He must not hold out hopes of reward here or hereafter, and he must not use threats of temporal injury, or of disadvantage, or of punishment hereafter. He must not, for instance, threaten to excommunicate or to withhold the sacraments, or to expose the party to any other religious disability, or denounce the voting for any particular candidate as a sin, or as an offence involving punishment here or hereafter. If he does so with a view to

influence a voter, or to affect an election, the law considers him guilty of undue influence."

General intimidation, or such a state of riot as prevents men of ordinary courage from freely recording their votes, would avoid an election, even although neither the candidate nor his agents had any hand in it.

Personation.

The Ballot Act, 1872 (35 & 36 Vict. c. 33. s. 24).

A person shall, for all purposes of the laws relating to parliamentary and municipal elections, be deemed to be guilty of the offence of personation who, at an election for a county or borough, or at a municipal election, applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, or who, having voted once at any such election, applies at the same election for a ballot paper in his own name.

Personation is the offence of applying for a ballot paper in the name of some other person, whether living or dead, or entirely fictitious. It is also personation to attempt to vote twice in the same election.

In Local Government contests a point of some importance arises in this connection. An elector may not vote in more than one electoral division of the county, even if he is on the register in more than one such division. No one can give more than one vote in one county, or in more than one ward of a borough or parish or district. Of course, where an elector is on the register in two or more divisions of one county, for Parliamentary and Parochial purposes, he can choose for himself in which division of that county he will exercise his right to vote at the election of County Councillors, and a can-

didate would do well to endeavour to secure for himself the vote of every supporter who is on the register for the division he is seeking to represent. In practice, people usually save themselves trouble by voting in the division nearest to which they happen to be, but where one candidate on a side is fighting under greater difficulties than have to be faced in another division, an appeal to electors with more than one qualification should be sent out, in which attention should be drawn to the special circumstances of the contest.

It should be also pointed out that an elector can only vote in one division, even if he is on the register in several, and request should be made for his support of the candidate who issues the appeal. These remarks apply also to elections for other local bodies where the circumstances are similar.

Personation is sometimes prevalent in large cities, where the great number of electors makes it very difficult for the polling agents to exercise any real check on the personality of voters. Where an election is fought on an old register, which means that there are many removals and deaths, it is almost impossible to prevent impostors from applying for a ballot paper in the name of a voter deceased or removed. In villages and small towns, of course, there is less likelihood of such attempts at fraud. The law regards this offence with special severity. It is a felony, subject, when tried by a jury, to punishment of two years' imprisonment with hard labour, and no option of fine instead of imprisonment is left to the Court. Assisting or procuring personation is an offence of equal gravity.

FALSE DECLARATION OF ELECTION EXPENSES.

(County Council. Town Council.)

> If the candidate without such authorised excuse as is mentioned in this Act fails to make the said return and declaration [of expenses] he shall be guilty of an illegal practice, and if he knowingly makes the said declaration falsely he shall be guilty of an offence, and on conviction thereof on indictment shall be liable to the punishment for wilful and corrupt perjury, and such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

This provision has reference only to County Council and to Town Council elections, as candidates for Parish Councils, District Councils, Boards of Guardians, and London Borough Councils are not required to make any declaration of expenses, no scale being laid down for expenditure in those elections. The form of declaration is given on page 136.

ILLEGAL PRACTICES.

We come now to the "things which the Legislature is determined to prevent, whether done honestly or dishonestly"; in other words, to practices declared to be illegal, and the absolute avoidance of which must be pressed home upon every one engaged in assisting a candidate. As we have said, the average man or woman has a fairly clear conception with regard to corrupt inducements to voters, but an illegal practice stands on a different footing. Certain restrictions, almost in the nature of arbitrary rules, are laid down by law, and with the best intentions in the world a canvasser or worker, whose political enthusiasm is untempered by technical

knowledge, may land his party in all the joys of an expensive law suit.

It will be convenient to deal first with those **Illegal Practices** which avoid an election if committed by **any person held to be an agent of the candidate.**

1.—PAYMENT FOR THE CONVEYANCE OF VOTERS.

(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made—

on account of the conveyance of electors to or from the poll whether for the hiring of horses or carriages, or for railway fares, or otherwise;

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after a municipal election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

This section prevents a candidate, or any of his agents, from paying for cab or railway fares of any elector. Voters who come from a distance must pay their own expenses both going and returning, but a candidate may, of course, make use of his own and his friends' private conveyances for bringing up voters. He must be very careful, however, that no prohibited vehicles are used. (*See* page 122.)

2.—PAYMENT FOR EXHIBITING BILLS OR NOTICES.

(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made—

to an elector on account of the use of any house, land, building, or premises for the exhibition of any address, bill, or notice, or on account of the exhibition of any address, bill, or notice ;

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after a municipal election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

(3.) Provided that where it is the ordinary business of an elector as an advertising agent to exhibit for payment bills and advertisements, a payment to or contract with such elector, if made in the ordinary course of business, shall not be deemed to be an illegal practice within the meaning of this section.

An elector may not be paid for showing placards or notices in connection with the contest. Assistance in this direction must be unrewarded, except in the case of any person who carries on business as an advertising agent, or bill poster. With such an one ordinary business arrangements for posting bills, &c., may be entered into. Any payment made for that purpose must, of course, be included in the return of election expenses in contests where the law requires such return to be made.

3.—PAYMENT FOR EXCESSIVE NUMBER OF COMMITTEE ROOMS.

(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made—

On account of any committee room in excess of the number allowed by this Act (that is to say), if the election is for a borough, one committee room for the borough, and if the election is

for a ward, one committee room for the ward, and if the number of electors in such borough or ward exceeds two thousand, one additional committee room for every two thousand electors and incomplete part of two thousand electors over and above the said two thousand.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is knowingly made in contravention of this section either before, during, or after a municipal election, the person making such payment or contract shall be guilty of an illegal practice, and any person receiving such payment or being a party to any such contract, knowing the same to be in contravention of this Act, shall also be guilty of an illegal practice.

This section lays down a scale of the number of Committee Rooms which may be hired in a municipal election—*see* page 46.

Any payment for a committee room beyond the number allowed by law to be hired for the election is an illegal practice. Extra committee rooms ***for which no payment is made*** can be used if necessary, but it must be remembered that premises where refreshment is sold must not be used, even if freely offered. It occasionally happens that difficulties arise out of the loan of rooms during an election. Some generous lenders have an uncomfortable way of subsequently demanding compensation for their kindly "loan." A candidate is bound to resist any such demand for payment, and if it should be made he must point out that payment would not only be an illegal practice on his part, making his election, if his candidature has been successful, voidable, and whether successful or defeated, rendering both giver and receiver liable to a fine of £100 on conviction before the

magistrates, besides incapacity to vote at any election for five years.

4.—PAYMENT IN EXCESS OF MAXIMUM (COUNTY AND TOWN COUNCILS ONLY).

(1.) Subject to such exception as may be allowed in pursuance of this Act, no sum shall be paid and no expense shall be incurred by or on behalf of a candidate at an election, whether before, during, or after an election, on account of or in respect of the conduct or management of such election, save that in the case of an election of a councillor a sum may be paid and expense incurred not in excess of the maximum amount following; (that is to say),

The sum of twenty-five pounds, and, if the number of electors in the borough or ward exceeds five hundred, an additional amount of threepence for each elector above the first five hundred electors.

(2.) Any candidate or agent of a candidate or person who knowingly acts in contravention of this section shall be guilty of an illegal practice.

This section lays down a scale of expenditure (*see* also page 41) for the election of councillors to County Councils and Town Councils.

[In the City of London the scale applies to the election of an Alderman and a Common Councilman. In the case of an election by liverymen in Common Hall in the City an expense of £40 may be incurred, and if a poll be demanded the maximum is increased to £250.]

As the general question of expenditure and the effect of joint candidature thereon is dealt with on another page all that need here be pointed out is that the Act absolutely forbids any election expenses on a candidature for the offices of Mayor or Alderman, or Elective Auditor, or Revising Assessor in a borough. No election campaign

can, therefore, be set going in connection with such offices.

On the other hand, the section does not apply at all to elections for Parish or District Councils, or for Boards of Guardians or for London Borough Councils. Such elections fall under the general provisions of the Act, but so far as the law is concerned a candidate is not limited in his expenditure, provided that he keeps clear of practices which the Act declares corrupt or illegal.

The prohibitions just dealt with are, from a candidate's point of view, the most important to bring before the minds of workers, because a breach of one by any authorised helper may jeopardise the election. But we have by no means got to the end of the electoral table of commandments, a single one of which, if broken by a candidate or with his knowledge and consent invalidates his election.

5.—VOTING BY PROHIBITED PERSONS.

> If any person votes or induces or procures any person to vote at a municipal election, knowing that he or such person is prohibited, whether by this or any other Act, from voting at such election, he shall be guilty of an illegal practice.
>
> Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed without his knowledge and consent.

Persons who are employed for payment about a municipal election may not vote in the election in respect of which they are employed. A candidate would do well to warn paid employees that they must not vote, as the usual excuse by paid workers for this offence, which is not unknown in municipal elections, is lack of knowledge

of wrong doing. The prohibition does not, of course, extend to voluntary workers, such as canvassers, &c., nor is a person who merely supplies articles for use in an election affected. A printer, for instance, does not lose his vote because the candidate gives him his custom for bills and notices. Those who are prevented from voting are paid clerks, paid messengers, and paid polling agents. Others prohibited are persons found guilty of or reported for corrupt or illegal practices at a previous election so long as the statutory period of incapacity to vote extends; also anyone who commits any corrupt or illegal practice at the election in progress. Persons convicted of treason or felony, whose sentence is unexpired, or who have not received a free pardon (*i.e.*, ticket-of-leave men) may not vote.

6.—PUBLISHING FALSE STATEMENT OF WITHDRAWAL OF A CANDIDATE.

> Any person who before or during a municipal election knowingly publishes a false statement of the withdrawal of a candidate at such election for the purpose of promoting or procuring the election of another candidate shall be guilty of an illegal practice.
>
> Provided that a candidate shall not be liable, nor shall his election be avoided, for any illegal practice under this section committed without his knowledge and consent.

This section requires no comment. Natural justice suggests that a candidate should be penalised who seeks to secure election by the pretence that his opponent has retired from the field.

7.—ILLEGAL PAYMENT.

> Where a person knowingly provides money for any payment which is contrary to the provisions of this Act, or for any expenses incurred in excess of any maximum amount allowed

by this Act, or for replacing any money expended in any such payment, except where the same may have been previously allowed in pursuance of this Act to be an exception, such person shall be guilty of illegal payment.

When legal restrictions upon the expenditure of money for election purposes were first introduced, those who enjoyed attempts to drive a coach and four through Acts of Parliament were wont to arrange for "friendly assistance" by means of which the law was set at defiance. By this section Parliament prevents money from being provided by mysterious friends, or, at least, subjects offenders in this respect to the penalties attending an illegal payment.

8.—MAKING USE OF PROHIBITED CONVEYANCES.

(1.) A person shall not let, lend, or employ for the purpose of the conveyance of electors to or from the poll, at a municipal election, any public stage or hackney carriage, or any horse or other animal kept or used for drawing the same, or any carriage, horse, or other animal which he keeps or uses for the purpose of letting out for hire, and if he lets, lends, or employs such carriage, horse, or other animal, knowing that it is intended to be used for the purpose of the conveyance of electors to or from the poll, he shall be guilty of illegal hiring.

(2.) A person shall not hire, borrow, or use for the purpose of the conveyance of electors to or from the poll any carriage, horse, or other animal which he knows the owner thereof is prohibited by this section to let, lend, or employ for that purpose, and if he does so he shall be guilty of illegal hiring.

(3.) Nothing in this Act shall prevent a carriage, horse, or other animal being let to or hired, employed, or used by an elector, or several electors at their joint cost, for the purpose of conveying him or them to or from the poll.

(4.) No person shall be liable to pay any duty or to take out a licence for any carriage by reason only of such carriage being used without payment or promise of payment for the conveyance of electors to or from the poll at an election.

A candidate may not make any payment for the conveyance of voters to or from the poll (*see* page 116), but he may use his own private conveyances, whether motors, carriages, or farm waggons for that purpose, and any private conveyances belonging to other persons who can be induced to lend them to him on his election day.

The section above set out prevents the use by a candidate, for conveying electors to or from the poll, of any hackney carriage, or any vehicle or animal kept for letting out on hire. It does not prohibit a voter from hiring a cab at his own cost to take him to or from the poll, and several voters may join in hiring a cab or fly for that purpose. But a friend of the candidate must not, for instance, charter a fly and take voters up in it to the poll or away from it. Nor may a cab yard proprietor, or a livery stable keeper, or one who hires out motor cars, lend such conveyances or horses to take people up to vote. A candidate who uses conveyances which the Act prohibits does not commit an offence unless he does so with knowledge of the fact that they come within the class of vehicles, &c., prohibited. This does not mean that ignorance of the law protects him, but merely that he is not guilty of an offence, if, for instance, being offered the loan of a carriage and horse, he uses it for bringing up voters without knowing that the horse is one kept for letting out on hire. But if the matter is called in question, he will have to *prove* his want of knowledge to escape from evil consequences. He would do well, therefore, to make sure beforehand that any vehicle and animal offered to be lent to him is one he can safely use.

Where a candidate has grounds to believe that any conveyance which falls within the above prohibition is being used on his opponent's behalf, it may be desirable to give written notice of the facts to the candidate in question. The notice should identify exactly the conveyance referred to, and should state the grounds upon which its use to bring up voters is claimed to be illegal. Such notice has for its object the bringing home to the offending side the knowledge which is essential. Beyond that it has no legal efficacy, and it need not be in any particular form. Warning by word of mouth is enough, but for obvious reasons a written notice is preferable, and the objecting side should preserve a copy for subsequent use. It is, of course, unnecessary to give any such notice when voters are being brought to or from the poll in a vehicle which clearly and obviously is within the class of prohibited conveyances, *e.g.*, a cab bearing a registration tablet.

9.—CORRUPTLY PROCURING WITHDRAWAL OF A CANDIDATE.

> Any person who corruptly induces or procures any other person to withdraw from being a candidate at a municipal election, in consideration of any payment or promise of payment, shall be guilty of illegal payment, and any person withdrawing, in pursuance of such inducement or procurement, shall also be guilty of illegal payment.

It sometimes happens that rival parties or candidates are anxious to avoid a contested election, and it is by no means uncommon, at any rate in Town Council elections for party wire pullers to meet and come to an arrangement by which each side nominates an agreed number of can-

didates who are to go in without a contest. There seems to be nothing unlawful in such a bargain, but while one seat may be in this way bartered for another, there must be nothing in the shape of payment made to induce the withdrawal of a candidate. If anything of the kind were permitted, all sorts of evils might obviously arise. Rich candidates would be enabled sometimes to buy off opposition, and poor ones might be tempted to put themselves forward in order to be bought off. "Representative" government under such circumstances would not be very representative.

10.—ILLEGAL EMPLOYMENT FOR PAYMENT.

(1.) No person shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be engaged or employed for payment or promise of payment for any purpose or in any capacity whatever, except as follows (that is to say,):—

(*a*) A number of persons may be employed, not exceeding two for a borough or ward, and if the number of electors in such borough or ward exceeds two thousand one additional person may be employed for every thousand electors and incomplete part of a thousand electors over and above the said two thousand, and such persons may be employed as clerks and messengers, or in either capacity; and

(*b*) One polling agent may be employed in each polling station.

[N.B.—Under Election Orders issued by the Local Government Board the number of polling agents is restricted specially in elections for Parish and District Councils and Guardians.]

Provided that this section shall not apply to any engagement or employment for carrying into effect a contract bona fide made with any person in the ordinary course of business.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any person is engaged or employed in contravention of this section, either before, during, or after an election, the person engaging or employing him shall be guilty of illegal

employment, and the person so engaged or employed shall also be guilty of illegal employment if he knew that he was engaged or employed in contravention of this Act.

(3.) A person legally employed for payment under this section may or may not be an elector, but may not vote.

This section regulates the class and number of persons who may be employed for payment by a candidate in a municipal election.

It should be observed that the section excepts payments made to a person in the ordinary course of his business. Thus a candidate can make a contract with a master billposter, who may engage persons to post up placards. There is nothing unlawful, either, in making an agreement for the delivery by hand of addresses or notices, even if a number of persons are paid for that purpose. It should be done through a contractor for an agreed sum, and the persons should be employed by him and not by the candidate.

11.—PAYMENT FOR MARKS OF DISTINCTION.

(1.) No payment or contract for payment shall, for the purpose of promoting or procuring the election of a candidate at a municipal election, be made on account of bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction.

(2.) Subject to such exception as may be allowed in pursuance of this Act, if any payment or contract for payment is made in contravention of this section, either before, during, or after an election, the person making such payment shall be guilty of illegal payment, and any person being a party to any such contract or receiving such payment shall also be guilty of illegal payment if he knew that the same was made contrary to law.

Payment for bands of music, torches, flags, banners, cockades, ribbons, or other marks of distinction is for-

bidden. The free gift of such things is not prohibited. The offence consists in payment. But someone must pay somehow for the materials for torches, or flags, or banners, or rosettes, and taken in its literal construction, the Act of Parliament is so drawn as to hit the person who pays, whoever he be.

The "hat cards" case, which arose out of a Parliamentary election at Walsall, shows how careful those responsible should be. The agent paid £2 18s. for some cards bearing the portrait of the candidate, with the injunctions "Play up Swifts" and "Vote for James." Conveniently shaped for the purpose, the cards were widely worn by voters in their hats, as, indeed, appears to have been intended. A card in itself would be harmless, but a *hat card* was held to be "a mark of distinction," and the election was declared void. Fifty-eight shillings incorrectly expended was found sufficient to upset it.

12.—NAME AND ADDRESS OF PRINTER AND PUBLISHER ON BILLS AND PLACARDS.

Every bill, placard, or poster having reference to a municipal election shall bear upon the face thereof the name and address of the printer and publisher thereof; and any person printing, publishing, or posting, or causing to be printed, published, or posted, any such bill, placard, or poster as aforesaid, which fails to bear upon the face thereof the name and address of the printer and publisher, shall, if he is a candidate, be guilty of an illegal practice, and if he is not the candidate, shall be liable on summary conviction to a fine not exceeding one hundred pounds.

In order to prevent scurrilous or libellous publications at elections, Parliament has provided that every "bill, placard and poster" shall bear upon its face (1) the name

and (2) the address of both the printer and publisher. The Act is complied with if the words "printed and published by" followed by the printer's full address appear. It is advisable to adhere to the words of the Act; for instance, "issued by" is not necessarily the same as published by. Occasionally, too, a mistake is made by inserting the printer's name and address, and then giving the name only of the candidate, or some one else as the publisher. If different names are given in respect of printing and publishing, the full address of both printer and publisher must also appear in order to comply with the directions in the Act.

13.—PREMISES PROHIBITED TO BE USED FOR COMMITTEE ROOMS OR MEETINGS.

(*a*) Any premises which are licensed for the sale of any intoxicating liquor for consumption on or off the premises, or on which refreshment of any kind (whether food or drink) is ordinarily sold for consumption on the premises, or

(*b*) Any premises where any intoxicating liquor is supplied to members of a club, society, or association, or any part of any such premises, shall not, for the purpose of promoting or procuring the election of a candidate at a municipal election, be used *either as a committee room or for holding a meeting*, and if any person hires or uses any such premises or any part thereof in contravention of this section he shall be guilty of illegal hiring, and the person letting or permitting the use of such premises or part thereof, if he knew it was intended to use the same, in contravention of this section, shall also be guilty of illegal hiring.

Provided that nothing in this section shall apply to any part of such premises which is ordinarily let for the purpose of chambers or offices or the holding of public meetings or of arbitrations, if such part has a separate entrance and no direct communication with any part of the premises on which any intoxicating liquor or refreshment is sold or supplied as aforesaid.

Those who are familiar with the working of Parliamentary elections should particularly notice the requirements of the foregoing section, because in two important respects it differs from the provision which applies to Parliamentary contests.

It forbids the use of premises where food or drink of any kind is sold, either—

(1) As a Committee room, or

(2) for holding a meeting.

Prior to modern legislation, Committee rooms on any premises might be used, but in its determination to discourage treating, Parliament took an obvious course in prohibiting the use of places where food or drink is supplied in the way of trade. The prohibition applies to all descriptions of refreshment rooms, or apartments in communication therewith, and it is absolute, **whether the room is hired or freely lent.** In municipal elections the holding of meetings is also forbidden on any such premises, and a candidate must be careful, therefore, that he does not convene or address any gathering held in connection with the election, or use as a committee room any room on—

(*a*) Premises licensed for the sale of intoxicating liquor, whether the license be for consumption "on" or "off" the premises;

(*b*) Premises where intoxicating liquor is supplied to members of a club or association;

(*c*) Premises where food or drink *of any kind* is sold for consumption on the premises.

Unless in either case the room is situate on part of the premises ordinarily used for offices or the holding of

public meetings and has a separate entrance without direct communication with prohibited part.

[NOTE.—At elections of Parish Councillors and Rural District Councillors meetings may be held on licensed or other premises which are not situate in an urban sanitary district, or within the County of London. This concession is made to rural districts, no doubt in case the application to them of the general rule should operate hardly. The exception, however, does not extend to County Council elections, at which no meetings can therefore be held on the premises forbidden by the Act.]

In Parliamentary elections the use as Committee rooms of Elementary Schools which receive a Parliamentary grant is forbidden. The prohibition is not extended to municipal elections, but apart from any legal difficulties the use of school premises for election committee room purposes is not to be recommended, seeing that at most times they would be occupied by the children and their teachers.

14.—AVOIDANCE OF ELECTION FOR EXTENSIVE PREVALENCE OF ILLEGAL PRACTICES, &c.

Where upon the trial of an election petition respecting a municipal election for a borough or ward of borough, it is found by the election court that illegal practices or offences of illegal payment, employment, or hiring, committed in reference to such election for the purpose of promoting the election of a candidate at that election, have so extensively prevailed that they may be reasonably supposed to have affected the result of that election, the election court shall report such finding to the High Court, and the election of such candidate, if he has been elected, shall be void, and he shall not, during the period for which he was

elected to serve, or for which, if elected, he may have served, be capable of being elected to or holding any corporate office in the said borough.

This section, which operates only upon the finding of the Court on the trial of a petition, opens up a mode of invalidating a municipal election, which is not applied to Parliamentary contests. At all elections where general corruption in the way of bribery or treating or intimidation is shown to have existed, the election may be annulled. The essence of our electoral system is the free and unfettered and uncorrupted choice of those whom in the old days candidates, perhaps, with hands in their pockets and tongues in their cheeks, loved to address as "free and independent voters." Then, as now, where general corruption was shown to have prevailed, the successful candidate lost his seat, whether or not he had any connection with the evils complained of.

By the section above set out an innocent candidate at a municipal election may lose his seat and suffer incapacity for re-election if even without his knowledge the practices contrary to the Act which we have just dealt with are shown to have been so extensively committed by any person whatever that "the result of the election has been affected." Under any circumstances a candidate who has reason to suspect the existence of any illegal practices or payments, &c., on his side ought to take immediate steps to warn offenders and to dissociate himself from their action. Apparently, however, no matter how strenuously he endeavours to suppress illegality, the efforts may avail him nothing if it is persisted in to an extent

which affects the result. Relief under section 19 (*see* page 74) is obtainable only when the offences are of a trivial, unimportant and limited character.

On the other hand, where there has been a technical breach of the law, a limited way of escape is provided by the Act (Sec. 20) :—

RELIEF FOR INADVERTENT BREACHES OF THE LAW.

Where, on application made, it is shown to the High Court or to a municipal election court, by such evidence as seems to the Court sufficient—

(*a*) That any act or omission of a candidate at a municipal election for a borough, or ward of a borough, or of any agent or other person, would, by reason of being in contravention of any of the provisions of this Act, be but for this section an illegal practice, payment, employment, or hiring; and

(*b*) That such act or omission arose from inadvertence or from accidental miscalculation, or for some other reasonable cause of a like nature, and in any case did not arise from any want of good faith; and

(*c*) That such notice of the application has been given in the said borough as to the Court seems fit;

And under the circumstances it seems to the Court to be just that the said candidate, agent and person, or any of them, should not be subject to any of the consequences under this Act of the said act or omission, the Court may make an order allowing such act or omission to be an exception from the provisions of this Act, which would otherwise make the same an illegal practice, payment, employment, or hiring, and thereupon such candidate, agent, or person shall not be subject to any of the consequences under this Act of the said act or omission.

By this section Parliament virtually admits the stringency of the code it has laid down in electoral matters. Accidents may happen in the best managed contests, and it may be found that by inadvertence some technical breach of the law has occurred. When this is so, if the

guilty person goes to the Court to confess his sins the Court has power to exonerate the sinner, but too much reliance had better not be placed upon the provision, as the Court has to be satisfied that genuine inadvertence or mistake was the cause of the lapse. Moreover, the process of relief is, like most other legal process, not free from the disagreeable accompaniment of costs. The section gives no power of exoneration in respect of corrupt practices, because inadvertence is incompatible with corruption.

The remaining irregularity against which candidates (for County Councils and Town Councils only) must be on their guard is in connection with the payment, return and declaration of election expenses.

Section 21 of the Act only applies to elections to County Councils and Town Councils. As regards those elections, it provides :—

SENDING IN CLAIMS AND MAKING PAYMENTS FOR ELECTION EXPENSES.

(1.) Every claim against any person in respect of any expenses incurred by or on behalf of a candidate at an election of a councillor on account of or in respect of the conduct or management at such election shall be sent in within 14 days after the day of election, and if not so sent in, shall be barred and not paid, and all expenses incurred as aforesaid shall be paid within 21 days after the day of election, and not otherwise, and any person who makes a payment in contravention of this section, except where such payment is allowed as provided by this section, shall be guilty of an illegal practice, but if such payment was made without the sanction or connivance of the candidate, the election of such candidate shall not be void, nor shall he be subject to any incapacity under this Act by reason only of such payment having been made in contravention of this section.

(2.) Every agent of a candidate at an election of a councillor shall, within 23 days after the day of election, make a return to the candidate in writing of all expenses incurred by such agent on account of or in respect of the conduct or management of such election, and if he fails so to do shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

(3.) Within 28 days after the day of election of a councillor every candidate at such election shall send to the town clerk a return of all expenses incurred by such candidate or his agents on account of or in respect of the conduct or management of such election, vouched (except in the case of sums under 20s.) by bills stating the particulars and receipts, and accompanied by a declaration by the candidate made before a justice in the form set forth in the Fourth Schedule of this Act, or to the like effect.

(4.) After the expiration of the time for making such return and declaration, the candidate, if elected, shall not, until he has made the return and declaration (in this Act referred to as the return and declaration respecting election expenses), or until the date of the allowance of such authorised excuse, as is mentioned in this Act, sit or vote in the council, and if he does so shall forfeit fifty pounds for every day on which he so sits or votes to any person who sues for the same.

(5.) If the candidate without such authorised excuse as is mentioned in this Act fails to make the said return and declaration he shall be guilty of an illegal practice, and if he knowingly makes the said declaration falsely he shall be guilty of an offence, and on conviction thereof on indictment, shall be liable to the punishment for wilful and corrupt perjury, and such offence shall also be deemed to be a corrupt practice within the meaning of this Act.

(6.) The county court for the district in which the election was held, or the High Court, or an election court, may, on application either of the candidate or a creditor, allow any claim to be sent in and any expense to be paid after the time limited by this section, and a return of any sum so paid shall forthwith after payment be sent to the town clerk.

(7.) If the candidate applies to the High Court or an election court, and shows that the failure to make the said return and declaration, or either of them, or any error or false statement therein, has arisen by reason of his illness or absence, or of the absence, death, illness, or misconduct of any agent, clerk, or officer, or

by reason of inadvertence, or of any reasonable cause of a like nature, and not by reason of any want of good faith on the part of the applicant, the court may, after such notice of the application and on production of such evidence of the grounds stated in the application, and of the good faith of the applicant and otherwise as to the court seems fit, make such order for allowing the authorised excuse for the failure to make such return and declaration, or for an error or false statement in such return or declaration, as to the court seems just.

(8.) The order may make the allowance conditional upon compliance with such terms as to the court seems calculated for carrying into effect the objects of this Act, and the order shall relieve the applicant from any liability or consequences under this Act in respect of the matters excused by the order.

(9.) The date of the order, or if conditions and terms are to be complied with, the date at which the applicant fully complies with them, is referred to in this Act as the date of the allowance of the excuse.

(10.) The return and declaration sent in pursuance of this Act to the town clerk shall be kept at his office, and shall at all reasonable times during the 12 months next after they are received by him, be opened to inspection by any person on payment of the fee of one shilling, and the town clerk shall, on demand, furnish copies of, or of any part thereof, at the price of 2d. for every 72 words.

(11.) After the expiration of the said 12 months, the town clerk may cause the return and declaration to be destroyed, or, if the candidate so require, shall return the same to him.

The effect of this section is as follows :—

In County Council or Town Council elections

Within 14 days after day of election all claims must be sent in for expenses incurred in the conduct or management of the election; if not so sent in they are barred and must not be paid.

Within 21 days after day of election payment of election expenses must be made; subsequent payment is an illegal practice, and if made by candidate or with

his sanction or connivance avoids election—unless such payment is made by direction of the Court (sub-section 6).

Within 23 days after day of election every agent of a candidate must send him a return of expenses incurred.

Within 28 days after day of election every candidate must send—in Town Council elections to the Town Clerk, and in County Council elections to the Returning Officer—

(*a*) A return of all election expenses incurred vouched by receipted bills for all amounts save those under 20s.;

(*b*) A declaration in the form hereunder set out made before a Justice of the Peace.

Failure, without due excuse, to make the return or declaration is an illegal practice; and after the expiration of the time for making them, a candidate who has not made them is forbidden to sit or vote under a penalty of £50 for every day on which he does so.

FORM OF DECLARATION OF ELECTION EXPENSES.

I, , having been a candidate at the election of councillor for the county *or* borough [*or* ward] of on the day of , [and my agents], do hereby solemnly and sincerely declare that I have paid , for my expenses at the said election, and that, except as aforesaid, I have not, and to the best of my knowledge and belief, no person, nor any club, society, or association, has on my behalf, made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that, except as aforesaid, no money, security, or equivalent for money, has to my knowledge or belief been paid, advanced, given, or deposited by anyone to or in the hands of myself, or any other person for the purpose of defraying any expenses incurred on my behalf on account of or in respect of the conduct or management of the said election.

And I further solemnly and sincerely declare that I will not at any future time make or be a party to the making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any such expenses as last mentioned, or provide or be a party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses.

Signature of declarant *C.D.*

Signed and declared by the above-named declarant on the day of , before me.

(Signed) *E.F.*
Justice of the Peace for

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